JOURNAL

OF THE

Missouri State Convention,

HELD AT

JEFFERSON CITY,

JULY, 1861.

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JOURNAL

OF THE

MISSOURI STATE CONVENTION.

Held at the City of Jefferson, July, 1861,

MONDAY MORNING, JULY 22d, 1861.

The Convention convened in the Capitol at the City of Jefferson, in pursuance of the following call, made by a majority of the Committee appointed under the seventh resolution of the Committee on Federal Relations :

ST. LOUIS, Mo., July 6, 1861.

We, the undersigned, being a majority of the Committee of the Convention of the State of Missouri, charged with the duty of convening the said Convention at such time prior to the third Monday of December, 1861, and at such place as they may think the public exigencies require, do hereby notify the said Convention to assemble and meet at Jefferson City, in the State of Missouri, on the twenty-second day of July, in the year of our Lord eighteen hundred and sixty-one.

R. WILSON,
J. T. TINDALL,
J. W. McCLURG,
JAS. R. McCORMACK,
THOMAS T. GANTT,
Majority of the Committee.

The Convention having been called to order, on motion of Mr. MCFERRAN, the Secretary proceeded to call the roll of the Convention, when the following delegates answered to their names :

Messrs. Allen, Bartlett, Bogy, Breckinridge, Broadhead, Bridge, Bush, Doniphan, Douglass, Eitzen, Foster, Gantt, Givens, Gorin, Hall of Buchanan, Henderson, Hendricks, Hitchcock, How, Jackson, Knott, Linton, Long, Marmaduke, McCormack, McClurg, McFerran, Meyer, Moss, Noell, Orr, Phillips, Pipkin, Rankin, Scott, Smith of Linn, Smith of St. Louis, Stewart, Tindall, Turner, Waller, Welch, Woolfolk and Wright.—44.

There not being a quorum present, on motion of HALL of Buchanan,

The Convention adjourned until 5 oclock, P. M.

EVENING SESSION.

The Convention met pursuant to adjournment, and was called to order by Mr. WILSON, the Vice President.

The roll having been called, the following delegates answered to their names, viz :

See p. 37 Vol 1 Journal.

Messrs. Allen, Bartlett, Bogy, Breckinridge, Broadhead, Bridge, Bush, Cayce, Doniphan, Donnell, Douglass, Drake, Dunn, Eitzen, Flood, Foster, Gantt, Givens, Gorin, Hall of Buchanan, Hall of Randolph, Henderson, Hendricks, Hitchcock, Holmes, Hough, How, Howell, Hudgins, Irwin, Isbell, Jackson, Knott, Leeper, Linton, Long, Marmaduke, Maupin, McClurg, McCormack, McFerran, Meyer, Moss, Noell, Orr, Pipkin, Rankin, Rowland, Scott, Shackelford of St. Louis, Smith of Linn, Smith of St. Louis, Tindall, Turner, Waller, Welch, Wilson, Woolfolk, Wright and Zimmerman—60.

There being a quorum present, the President announced the Convention ready to proceed to the transaction of business.

Mr. Broadhead gave notice that he would on to-morrow offer an amendment to the rules of this body, providing that no member shall speak more than thirty minutes on any question before the Convention.

On motion of Mr. How, the Convention adjourned until to-morrow morning at 9 o'clock.

SECOND DAY.

Tuesday Morning, July 23d, 1861.

The Convention met pursuant to adjournment, and was opened with prayer by Mr. Monroe, the Chaplain.

The roll having been called, the following members in addition to those of yesterday, answered to their names, viz:

Messrs. Bass, Matson and Phillips.

The Journal of the proceedings of yesterday was read and approved.

Mr. Broadhead offered the following resolution:

Resolved, That the Public Printer be required to furnish each member of this Convention with a copy of the Laws and Journals of the last session of the Legislature.

Mr. Breckinridge offered the following as a substitute, which was accepted by Mr. Broadhead, and adopted:

Resolved, That the Secretary of this Convention be directed to procure copies of the Laws and Journals of the present Legislatuee, for the use of the Convention, giving the Public Printer his receipt for the same.

Mr. Breckinridge offered the following resolutions:

Resolved, That the office of President of this Convention be, and the same is hereby, declared vacant.

Resolved, That this Convention do now proceed to fill the vacancy existing in the office of President.

Which were adopted by the following vote, the ayes and noes having been demanded by Mr. Wright:

Ayes—Messrs. Allen, Bartlett, Bogy, Breckinridge, Broadhead, Bridge, Bush, Cayce, Douglass, Eitzen, Foster, Gantt, Hall of Buchanan, Hall of Randolph, Henderson, Hendricks, Hitchcock, Holmes, How, Irwin, Isbell, Jackson, Leeper, Linton, Long, Maupin, McClurg, McCormack, McFerran, Meyer, Noell, Orr, Phillips, Rankin, Rowland, Scott, Shackelford of St. Louis, Smith of St. Louis, Stewart, Tindall, Turner, Welch, Wilson, Woolfolk and Zimmerman—45.

Noes—Messrs. Bass, Doniphan, Donnell, Drake, Dunn, Flood, Givens, Gorin, Hatcher, Hough, Howell, Hudgins, Knott, Marmaduke, Matson, Moss, Pipkin, Smith of Linn, Waller, Woodson and Wright—21.

Absent—Messrs. Bast, Birch, Brown, Calhoun, Chenault, Collier, Comingo, Crawford, Frayser, Gamble, Gravelly, Harbin, Hill, Holt, Jamison, Johnson, Kidd, Marvin, McDowell, Morrow, Norton, Pomeroy,

Ray, Redd, Ritchie, Ross, Sawyer, Sayre, Sheely, Watkins, Vanbuskirk and Mr. President.

The Chair announced that nominations for President were in order, when

Mr. HALL nominated for President, Gen. ROBERT WILSON, of Andrew county.

There being no other nominations, on motion of Mr. LONG, Gen. Wilson was declared unanimously elected President of the Convention.

On motion of Mr. HALL, of Buchanan, the Chair appointed Messrs. Hall, of Buchanan, Wright and Woolfolk, a committee of three, to wait upon Mr. Wilson and inform him of his election.

The Committee proceeded to the discharge of the duty assigned them, and introduced Mr. WILSON to the Convention, who returned his thanks to the Convention for the confidence reposed in him, and entered upon the discharge of his official duties.

The PRESIDENT announced that the office of Vice President was now vacant, and the Convention proceeded to the election of that officer.

Mr. TURNER nominated Mr. WELCH, who, upon motion of Mr. ROWLAND, was declared unanimously elected Vice President of the Convention.

On motion of Mr. PIPKIN, the President appointed Messrs. Foster and Donnell additional members of the Committee on Accounts.

Mr. TURNER offered the following resolution, which, on motion of Mr. HENDERSON, was referred to a committee consisting of Messrs. Henderson, Marmaduke and Broadhead:

Resolved, That the office of Door-Keeper of this Convention be, and the same is hereby declared vacant, and that the assistant Sergeant-at-Arms be required to attend to the duties of said office.

Mr. BROADHEAD offered the following, which was adopted:

Resolved, That a Committee of seven be elected by this Convention for the purpose of reporting what action is neccessary to be taken by this Convention in the present condition of public affairs in Missouri.

On motion of Mr. WELCH, the Committee were required to be selected, one from each Congressional district in the State.

The following named gentlemen were then unanimously elected as members of said Committee by the Convention.

From the First District, JAMES O. BROADHEAD.

From the Second District, JOHN B. HENDERSON.

From the Third District, WILLIAM A. HALL.

From the Fourth District, WILLARD P. HALL.

From the Fifth District, WILLIAM DOUGLASS.

From the Sixth District, LITTLEBERRY HENDRICK.

From the Seventh District, JOSEPH BOGY.

On motion of Mr. HALL of Buchanan, the Convention adjourned until 3 o'clock.

EVENING SESSION.

The Convention met pursuant to adjournment.

Mr. STEWART offered the following resolution, which, on motion of Mr. SMITH of St. Louis, was referred to the Committee of Seven:

Resolved, That, in the opinion of this Convention, the Executive department of this State has expatriated itself.

On motion of Mr. Moss, the Convention adjourned.

THIRD DAY.

WEDNESDAY MORNING, JULY 24th, 1861.

The Convention met pursuant to adjournment, and was opened with prayer by the REV. Mr. MONROE.

The roll having been called, the following delegates answered to their names:

Messrs. Gravelly, Collier, Vanbuskirk, Morrow and Johnson.

The journal was read and approved.

Mr. FOSTER offered the following resolution, which, on motion, was referred to a select committee, consisting of Messrs. Foster, Tindall and Bartlett:

Resolved, That the President appoint a committee of three, whose duty it shall be to take into consideration the right of WM. L. MORROW to a seat in this Convention, and that they be required to report to this Convention without delay.

Mr. Moss offered the following, which, on motion of Mr. Hitchcock, was referred to the Committee of Seven:

Resolved, That no action of this Convention, for the purpose of reorganizing the State government, can give peace to Missouri.

Mr. STEWART offered the following, which, on motion of Mr. McFerran, was referred to the Committee of Seven.

Resolved, That, in the opinion of this Convention, the people are present in a constitutional capacity.

Mr. WELCH offered the following resolution:

Resolved, That the following be adopted as a rule of this Convention:

RULE 48. Every act, resolution, or ordinance affecting the State of Missouri or any of its officers, and every act, resolution or ordinance affecting the relation of the State of Missouri with the Government of the United States, or any State thereof, or any State which claims to have separated itself from the Government of the United States, shall be read on three several days, and be governed in all respects by the rules heretofore adopted by this Convention; and when any question shall arise which shall not be provided for in said rules, the same shall be determined by the parliamentary law, as declared in Jefferson's Manual.

Mr. HALL of Buchanan moved to lay the resolution on the table, which motion was decided in the affirmative by the following vote, the ayes and noes having been demanded by Mr. Sayre:

AYES—Messrs. Allen, Bartlett, Breckinridge, Broadhead, Bridge, Doniphan, Donnell, Dunn, Eitzen, Foster, Gravelly, Hall of Buchanan, Hall of Randolph, Hatcher, Henderson, Hendrick, Hitchcock, Holmes, How, Irwin, Isbell, Jackson, Johnson, Leeper, Linton, Long, Matson, Maupin, McClurg, McCormack, McFerran, Meyer, Moss, Orr, Rankin, Rowland, Scott, Shackelford of St. Louis, Smith of St. Louis, Stewart, Tindall, Turner, Woolfolk, Vanbuskirk, and Zimmerman—46.

NOES—Messrs. Bass, Bogy, Bush, Cayce, Collier, Douglass, Drake, Flood, Gantt, Givens, Gorin, Hough, Howell, Hudgins, Knott, Marmaduke, Noell, Phillips, Pipkin, Sayre, Waller, Welch, Woodson, Wright and Mr. President—25.

ABSENT—Messrs. Bast, Birch, Brown, Calhoun, Chenault, Comingo, Crawford, Frayser, Gamble, Harbin, Holt, Jamison, Kidd, Marvin, McDowell, Norton, Pomeroy, Price, Ray, Redd, Ritchey, Ross, Sawyer, Sheeley and Watkins.

Excused from voting, Mr. Morrow.

Mr. Moss offered the following, which was read, and, on motion, referred to the Committee of Seven:

Resolved, That calm deliberation on the part of this Convention will most probably conduce to the interest of Missouri.

On motion of Mr. GANTT,

Resolved, That the Committee of Seven, elected yesterday, be permitted to sit during the sitting of this Convention.

Mr. MCFERRAN offered the following resolution :

Resolved, That the Committee on Accounts are hereby instructed to allow the delegates to the Border States Convention, who were in attendance, the mileage and *per diem* in acting as such delegates, fixed by law as compensation to the members of this Convention.

Mr. GANTT offered the following as an amendment :

"And be also directed to audit the account of the messengers who visited Messrs. McClurg and McCormack, with a view to ascertain from them whether, as members of the committee appointed to call the Convention together, they were in favor of such call, for the necessary expenses incurred in making their journey to and from such members.

On motion of Mr. KNOTT, the resolution and amendment were referred to a select committee, consising of Messrs. Knott, Gantt and Moss.

On motion of Mr. GANTT,

Resolved, That all resolutions touching the reorganization of the State Government be referred, without debate, to the Committee of Seven, appointed yesterday.

Mr. STEWART offered the following, which was referred to the Committee of Seven :

Resolved, That, as a legal question, the United States and the State of Missouri will do as they please.

Mr. HITCHCOCK offered the following, which was adopted :

Resolved, That the State Treasurer be and he is hereby instructed to inform this Convention what amount of money is now in the State Treasury, and also, as early as practicable, to furnish a statement to this body showing what sums have paid out of the State Treasury since the adjournment of the Legislature, at the close of its last session, and for what purposes and by what authority such payments have been made.

On motion of Mr. ALLEN, the Convention adjourned until to-morrow at 10 o'clock.

FOURTH DAY.

THURSDAY MORNING, JULY 25th, 1861.

The Convention met pursuant to adjournment, and was opened by prayer by the Chaplain.

The roll was called, when the following members, in addition to those heretofore present, answered to their names :

Messrs. Frayser, Gamble, Jamison, Marvin, McDowell, Birch, Pomeroy, Ray and Sawyer.

The journal of yesterday was read and approved.

Mr. WOODSON offered the following resolution, which was read and referred to the Committee of Seven, under the rule :

This Convention having been called for the purpose of considering the relations between this State and the Federal Government, and the co-States of the Union, and to adopt such measures for vindicating the sovereignty of the State and the protection of its institutions, as shall appear to them to be demanded,

Resolved, Therefore, that the Convention ought not to disturb the status of the Government of Missouri, as existing at the time of electing delegates to the Convention.

Resolved, That the Convention ought not to interfere with the offices of the functionaries of the State government, as ordained and established by the people themselves at the ballot box, according to our State Constitution and the forms of law—as the shortest, most honorable, patriotic, humane and economical way of settling our difficulties, State and national, and restoring peace to a distracted country.

Resolved, That the government at Washington acknowledge at once the independence of the Confederate States, and allow the border slave States the voluntary election of adhering to the Northern Confederacy, or uniting their fortunes with the Confederate States.

Mr. STEWART offered the following, which was read and referred to the Committee of Seven:

Resolved, That the present deplorable condition of our State and nation has been brought about by usurpers, who have ignored their allegiance to the best and most powerful government on earth.

Mr. TURNER offered the following resolution:

Resolved, That a committee of ——— members of this Convention be appointed by the President to take into consideration and report to this body an apportionment bill, laying the State off into nine Congressional districts, according to population, as shown in the last United States census reports.

Mr. WRIGHT moved to lay the resolution on the table, which motion was decided in the negative by the following vote, the ayes and noes being called for by Mr. Turner:

AYES—Messrs. Bartlett, Bass, Broadhead, Donnell, Douglass, Drake, Frayzer, Flood, Gamble, Givens, Gorin, Hall of Buchanan, Hatcher, Hough, Howell, Knott, Long, Marmaduke, Marvin, Matson, Moss, Noell, Phillips, Pipkin, Pomeroy, Ray, Sawyer, Sayre, Tindall, Waller, Welch, Woodson, Woolfolk, Wright and Mr. President—35.

NOES—Messrs. Allen, Bogy, Breckinridge, Bridge, Bush, Cayce, Collier, Doniphan, Dunn, Eitzen, Foster, Gantt, Gravelly, Hall of Randolph, Henderson, Hendricks, Hitchcock, Holmes, How, Irwin, Isbell, Jackson, Jamison, Johnson, Leeper, Linton, Maupin, McClurg, McCormack, McDowell, McFerran, Meyer, Orr, Rankin, Rowland, Scott, Shackelford of St. Louis, Smith of Linn, Smith of St. Louis, Stewart, Turner, Vanbuskirk and Zimmerman—43.

ABSENT—Messrs. Bast, Birch, Brown, Calhoun, Chenault, Comingo, Crawford, Harbin, Hill, Holt, Hudgins, Kidd, Norton, Redd, Ritchey, Ross, Shackelford of Howard, Price and Sheeley.

Mr. MCFERRAN offered the following as a substitute, which was accepted by Mr. Turner:

Resolved, That a committee of five be appointed by the President to take into consideration and report to this body the propriety of adopting an amendment to the Constitution providing for reducing the number of members of the House of Representatives to one hundred, and apportioning the State in accordance therewith; and, also, apportion the State, providing for nine members of Congress under the late census.

Mr. GANTT offered the following amendment:

"Amend the resolution by striking out the words 'appointed by the chair,' and insert in lieu thereof 'elected by the Convention,'" which was disagreed to by the following vote, the ayes and noes being called for by Mr. Wright:

NOES—Messrs. Allen, Bartlett, Bass, Birch, Bogy, Breckinridge, Broadhead, Bush, Cayce, Doniphan, Donnell, Douglass, Drake, Dunn, Eitzen, Frayser, Flood, Foster, Gamble, Givens, Gorin, Gravelly, Hall of Buchanan, Hall of Randolph, Hatcher, Hitchcock, Holmes, Hough, How, Howell, Irwin, Isbell, Jackson, Jamison, Johnson, Knott, Leeper, Linton, Long, Marmaduke, Marvin, Matson, Maupin, McClurg, McCormack, McDowell, McFerran, Meyer, Moss, Noell, Orr, Philips, Pipkin, Pomeroy, Rankin, Ray, Rowland, Sawyer, Sayre, Scott, Shackelford of St. Louis, Smith of Linn, Stewart, Tindall, Turner, Waller, Welch, Woodson, Woolfolk, Wright, Vanbuskirk and Zimmerman—72.

AYES—Messrs. Bridge, Gantt and Smith of St. Louis—3.

ABSENT—Messrs. Bast, Brown, Calhoun, Chenault, Comingo, Crawford, Harbin, Hill, Holt, Henderson, Hendricks, Kidd, Norton, Price, Redd, Ritchey, Ross, Shackelford of Howard, Sheeley and Watkins.

SICK—Mr. Hudgins.

Excused from voting, Mr. Morrow and Mr. President.

Mr. WELCH moved to postpone the further consideration of the resolution until the third Monday of December, next, which motion was decided in the affirmative by the following vote, the ayes and noes being called for by Mr. Marmaduke:

AYES—Messrs. Allen, Bartlett, Bass, Birch, Bogy, Broadhead, Bridge, Cayce, Collier, Doniphan, Donnell, Douglass, Drake, Dunn, Eitzen, Frayser, Flood, Foster, Gamble, Givens, Gorin, Gravelly, Hall of Buchanan, Hall of Randolph, Hatcher, Henderson, Hendricks, Hitchcock, Holmes, Hough, How, Howell, Irwin, Isbell, Jackson, Johnson, Jamison, Knott, Leeper, Linton, Marmaduke, Marvin, Matson, McClurg, McCormack, McDowell, Moss, Noell, Orr, Phillips, Pipkin, Pomeroy, Rankin, Ray, Rowland, Sawyer, Sayre, Scott, Shackelford of St. Louis, Smith of Linn, Smith of St. Louis, Stewart, Tindall, Waller, Welch, Woodson, Woolfolk, Wright, Vanbuskirk, Zimmerman and Mr. President—71.

NOES—Messrs. Breckinridge, Bush, Gantt, Long, Maupin, McFerran, Meyer and Turner—8.

ABSENT—Messrs. Bast, Brown, Calhoun, Chenault, Comingo, Crawford, Harbin, Hill, Holt, Kidd, Norton, Redd, Ritchey, Ross, Price, Schackelford of Howard and Sheeley.

SICK—Mr. Hudgins.

Excused from voting, Mr. Morrow.

Mr. FOSTER, from a select committee, presented the following report, which was received:

Mr. PRESIDENT: Your Committee to whom was referred the case of WILLIAM L. MORROW, of Dallas county, a delegate from the twentieth Senatorial district, have proceeded to an investigation as to the right of the said William L. Morrow to a seat in the Convention, and on investigation of the subject matter they find and instruct me to report as follows:

That on the 18th day of February, 1861, the people of the twentieth Senatorial district elected the said W. L. Morrow a delegate to the State Convention, and that on the 28th day of February the said Morrow appeared at the proper place, presented his credentials, was duly sworn and took his seat as a member of the State Convention of Missouri, and served as such during the last session of the Convention; and that on or about the 10th day of April, 1861, the said Morrow wrote out his resignation, mailed the same in the Post Office at Buffalo, in Dallas county, and directed it to Governor C. F. Jackson, Jefferson City, Mo., from whom the said Morrow has not received any information as to whether the Governor ever received or accepted his resignation. It is clear to the minds of the committee that the resignation must be made and accepted by the proper authorities, before the seat of a delegate becomes vacant; and in the case under consideration your committee has no evidence or information that such has been the case, and they are further of the opinion that they have no right, in the absence of any evidence, to infer that the resignation under consideration has been received and accepted by the proper authority. But, on the contrary, they are inclined to infer that the resignation has not been received, and after having investigated the matter, your committee are of the opinion that William L. Morrow is a delegate of the State Convention of Missouri, and as such entitled to a seat. Your committee would therefore submit the following resolution for your consideration, and recommend the passage of the same:

Resolved, That WILLIAM L. MORROW, who was duly elected a delegate to the State Convention of Missouri, is, as such delegate, entitled to a seat in the same.

J. D. FOSTER,
Chairman Com.

On motion the resolution was adopted.

Mr. BROADHEAD, from the committee appointed to report action necessary to be taken by this Convention, submitted the following report:

REPORT OF THE COMMITTEE OF SEVEN.

The Committee appointed by the Convention for the purpose of reporting what action is necessary to be taken by the Convention in the present condition of public affairs in Missouri, report as follows:

On the 21st of January, 1861, the Legislature of Missouri passed an act to provide for calling a State Convention, composed of delegates from each of the Senatorial Districts of

the State. Those delegates were elected on the 18th of February, 1861, by a full vote of the people of Missouri.

By the 5th section of that act, they were authorized to consider "the then existing relations between the Government of the United States, the people and Government of the different States, and the Government and people of the State of Missouri; and to adopt such measures for vindicating the sovereignty of the State, and the protection of its institutions, as shall appear to them to be demanded."

If the Convention is to be limited in its action by the provisions of the act of the General Assembly, it is difficult to perceive how language could have been used which would have vested it with greater powers.

On the 28th of February last, the Convention met and was organized, and proceeding to take into consideration so much of its duty assigned by the act of the Legislature as concerned the relations of the State of Missouri to the Government of the United States, by resolution declared:

"That at present there is no adequate cause to impel Missouri to dissolve her connexion with the Federal Union."

This duty having been discharged, the Convention adjourned until the 3d Monday of December, 1861; but supposing that in the threatening aspect of public affairs, it might become necessary to assemble again before that time, to discharge other duties, and exercise other powers, deemed necessary for the welfare of the people of Missouri, whose interests have been committed to their charge—they, by Resolution, appointed a committee to call the Convention together whenever, in their opinion, it might be deemed expedient.

In pursuance of such call this Convention is now assembled. The brief interval of time since its adjournment has been filled with the most startling events. The horrors of a civil war, inaugurated by the most gigantic and causeless rebellion of which modern history affords any example, have visited our own State—our peaceful relations with each other and with our common Government have been rudely broken by those who have been long plotting the overthrow of the Constitution and the disruption of the Union.

We find our Capitol deserted by its Governor and other high officers of State. We find that in opposition to the known wishes of the people, and in violation of their obligations to the Constitution of the United States which they had sworn to support, they have formed a conspiracy to dissolve the connexion of Missouri with the Federal Government; that in conjunction with a large portion of the members of the Legislature they have attempted through the forms of legislation to establish a military despotism over the people. We find that our Governor has by his proclamation incited the people of this commonwealth to armed opposition to the laws and Government of the United States, and that he is now in open rebellion against that Government, and urging the people of other States and the Indian tribes to invade the soil of his own State, whose credit he has prostrated and whose property he has wantonly destroyed.

It is the duty of this Convention to do something, if possible, to remedy these evils—to restore peace to the country and establish the relations which have existed between this State and the Government of the United States—to consider, in the language of the act of the Legislature in pursuance of which it was called together, the "relations between the Government and people of the State of Missouri," and to adopt such measures for *"vindicating* the sovereignty of the State, and the protection of its institutions," as may appear to be demanded by the occasion. In the measures proposed by this Committee, they invoke as a warrant for their power, not only the plain provisions of the act itself above referred to, but also the provisions of the 13th article of our State Constitution, which declares—

1. "That all political power is vested in and derived from the people," and

2. "That the people of this State have the inherent, sole, and exclusive right of regulating the internal government and police thereof, and of altering and abolishing their Constitution and form of Government, whenever it may be necessary to their safety and happiness."

In this Convention, the most radical and elementary form in which the *people* can give expression to their sentiments, rests not only the power but the duty of taking such action in the present disordered state of affairs as will be most likely to secure their safety and happiness.

We therefore submit the following propositions:

The People of the State of Missouri, by their Delegates in Convention assembled, for the purpose of protecting the Institutions of the State, do hereby ordain the following as Amendments to the Constitution:

1. That the offices of Governor, Lieutenant Governor, Secretary of State, and members of the General Assembly, be and the same are hereby vacated.

2. A Governor, Lieutenant Governor, and Secretary of State, shall be appointed by this Convention, to discharge the duties and exercise the powers which pertain to their respective offices by the existing laws of the State, and to continue in office until the first Monday of August, 1862, and until their successors are elected and qualified.

3. On the first Monday of August, 1862, a Governor, Lieutenant Governor, and Secretary of State, shall be elected by the qualified voters of this State, to hold their offices during the term for which the present incumbents of said offices were elected.

4. That the fourth section of the fifth article of the Constitution of the State of Missouri be and the same is hereby abolished, and the following is adopted in lieu thereof, to-wit:

"Sec. 4. The Supreme Court shall consist of seven judges, any four of whom shall constitute a quorum; and the said judges shall be conservators of the peace throughout the State."

5. The Governor to be chosen by this Convention shall, in addition to the three judges now comprising the Supreme Court, appoint four other judges for said Court, who shall hold their offices until the first Monday of August, 1862, and until their successors are elected and qualified; and on the said first Monday of August, 1862, there shall be an election by the qualified voters of the State of four judges of the Supreme Court, who shall hold their offices until the first Monday of August, 1863, and until their successors are elected and qualified.

Your Committee would also recommend that the following Ordinance be adopted by the Convention, to-wit:

WHEREAS the General Assembly of the State of Missouri did, in secret session, contrary to the known wishes of their constituents, in violation of the Constitution and the dearest rights and interests of the people, and for the purpose of dissolving the political relations of this State to the Government of the United States, and subverting the institutions of this State, enact certain odious laws hereinafter enumerated; therefore,

1. *Be it ordained by the People of Missouri in Convention assembled,* That an act entitled "An act to provide for the organization, government and support of the military forces of the State of Missouri," approved May 14th, 1861; also, an act to create a military fund for the State, entitled "An act to raise money to arm the State, repel invasion, and protect the lives and property of the people of Missouri," approved May 11th, 1861; also an act entitled "An act to authorize the appointment of one Major General for the Missouri Militia," approved May 15th, 1861; also a "Joint Resolution to suspend the apportionment of the State School Money for the year 1861," approved May 11th, 1861; also an act entitled "An act to perpetuate friendly relations with the Indian tribes," approved May 11th, 1861, be and the same are hereby repealed and declared of no effect or validity whatever.

2. *And be it further ordained,* That for the purpose of providing for the organization of the militia of the State, the following act, to-wit, an act entitled "An act to govern and regulate the Volunteer Militia of the State," approved December 31st, 1859, be and the same is hereby revived and declared to be in full force and effect.

3. *And be it further ordained,* That at the election provided to be held on the first Monday of August, 1862, a poll shall be opened at every election precinct in the State, for the purpose of taking the sense of the people upon the amendment of the Constitution providing that the Supreme Court shall consist of seven judges. The several Clerks of the County Courts in making out the poll-books shall provide two columns — one headed "For the Amendment to the Constitution," and the other "Against the Amendment to the Constitution;" and if a majority of the legal votes upon the amendment be for the same, it shall be a permament amendment to the Constitution of the State; but if a majority of the legal votes cast upon the amendment be against the same, then it shall cease to have any effect from and after the time that such result shall be officially ascertained as hereinafter provided. The returns of said election shall be made to the Secretary of State, who shall proceed to cast up the votes in the presence of the Governor within sixty days after the said election, and the Governor shall, by

proclamation, announce the result, which proclamation shall be filed in the office of the Secretary of State.

4. *And be it further ordained*, That in case before the first of August, 1862, the Governor elected by this Convention shall consider that the public exigencies demand it, he shall order a special election to fill the vacancies created in the General Assembly by the ordinance adopted by this Convention.

The report was received, and, on motion of Mr. WRIGHT, was laid on the table and made the special order for to-morrow, at 10 o'clock, and 200 copies ordered to be printed.

Mr. PHILLIPS offered the following:

Resolved, That the Committee of Seven, one from each Congressional district, be increased by adding thereto the name of HAMILTON R. GAMBLE, of St. Louis.

Which was adopted.

Mr. MCFERRAN offered the following:

Resolved, That a committee of seven members be appointed by the President to prepare an address to the people of the State of Missouri.

Pending the consideration of which, on motion of Mr. HITCHCOCK, the Convention adjourned until to-morrow morning, at 10 o'clock.

FIFTH DAY.

FRIDAY MORNING, JULY 26th, 1861.

The Convention met pursuant to adjournment.

Prayer by Mr. MONROE, the Chaplain.

Mr. KIDD answered to his name upon the call of the roll.

The journal was read and approved.

On motion of Mr. GANTT, the Convention passed over the special order to allow the Committee on Mileage, &c., to make the following report:

A majority of the committee to which was referred the resolution in reference to the compensation of delegates appointed by this Convention to the Border States Convention, and also the amendment thereto, providing for the compensation of Messrs. Long and Meyer, for services in visiting members of the committee appointed to convene the Convention, would respectfully report in favor of instructing the Committee on Accounts to audit the accounts of the delegates who attended the Border States Convention, allowing their *per diem* and mileage, at the rates prescribed by law for the members of this Convention.

JAMES H. MOSS,
JAS. PROCTOR KNOTT.

Mr. GANTT presented the following minority report:

The undersigned, to whom, as a member of a committee of three, was referred the consideration of the propriety of allowing to the delegates from Missouri to the Border States Convention, the mileage and *per diem* allowance which would have been earned by them for similar travel and attendance as members of this Convention, and also the account of the actual expenses incurred by the messengers who visited Messrs. McClurg and McCormack, members of the committee for convening this body on this occasion, is constrained to dissent from the views entertained by his fellow committeemen.

First. The undersigned, by referring to the resolution under which the delegates to the Border States Convention were elected by this body, ascertains that the duty of these gentlemen was "to attend at such time and place as may [be] designated by the Convention of the State of Virginia for the meeting of the delegates from the border States or border slave States;" and there was no other condition on which they

were required to undertake a journey. To the best of the knowledge and belief of the undersigned *no* place or time of such meeting was designated by the Convention of the State of Virginia. And the undersigned is reluctantly compelled to the conclusion that the claim of the gentlemen who visited Frankfort, Kentucky, for the purpose of meeting there certain gentlemen representing Kentucky, in Convention, to be remunerated for so doing by virtue of any authority of the body cannot be sustained.

Second. On the second branch of the enquiry the undersigned has also the misfortune to dissent from the conclusions reached by the majority of the Committee. On the 15th day of June, 1861, letters were addressed by the undersigned to Messrs. McClurg and McCormack, asking their concurrence in a call for the meeting of this body. At the same time letters of a similar tenor were addressed to Messrs. Wilson, Tindall, Knott and Matson. Two of the gentlemen, named Messrs. Wilson and Tindall, reached St. Louis on the 20th June, and on the 24th day of June these gentlemen authorized the undersigned to make the call under which this body is assembled. A number of other members of the Convention were present at St. Louis, at that time, from different parts of the State, and all concurred in the propriety of an immediate call of this body. No reply had been received from either of the Messrs. McClurg and McCormack. A negative had been returned by one of the committee. Another member had returned no answer, the letter addressed to him not having been received until after a long interval; but the latter gentleman was understood to be opposed to the convening of this body. The eighth member was not accessible by any means within the power of the undersigned, and was also understood to be opposed to the call. Under these circumstances the concurrence of Messrs. McClurg and McCormack was necessary: else the idea of a meeting of the Convention prior to the 16th December, 1861, must be abandoned. The call of the people of Missouri for such meeting appeared to the undersigned, and to all of his colleagues in this body with whom he could exchange views, to be very decided. By letter and personal conference he had such intercourse with more than thirty of them. By reason of certain notorious events, which it is unnecessary to detail here, mail communication was suspended in many parts of Missouri, and this was the case in respect of Camden county as the event proved. It was also the case, though in a less degree, in respect of Perry county. Under these circumstances Messrs. Long and Meyer proposed to go to the residences of Messrs. McCormack and McClurg respectively, and obtain their answer to the proposal to convene the Convention. Their offer was thankfully accepted as far as some twenty-five members of this body then present in St. Louis were concerned. They undertook and performed an onerous duty, and making no account of their own time and privations, ask merely to be reimbursed for actual and necessary outlays. The undersigned is strangely mistaken if the claim thus presented, besides being of unusual moderation and the highest merit, be not also one of the plainest obligations as one of the necessary expenses incurred in performing the duty for which the Committee on that subject was appointed.

It is true, that owing to unforeseen occurrences, the tardy arrival of the answers from Messrs. McClurg and McCormack by mail were in the hands of the undersigned before the consent of one of the necessary members of the Committee had been freed from a restriction placed upon it *after* Messrs. Long and Meyer had commenced their journey. But it is also true, that but for this after-imposed restriction, there would have been a delay of six days in issuing the call attributable solely to the difficulty of communicating with Messrs. McClurg and McCormack by mail. This interval of six days is computed from the time of the return of Mr. Meyer (Mr. Long had arrived before) to the time of the answer by mail received from Mr. McClurg. Under these circumstances the undersigned is compelled to close this report by the recommendation that Messrs. Long and

Meyer be directed to certify, on honor, the amount by them expended in making their respective journeys—and that a warrant be issued for the amounts thus respectively certified. THOS. T. GANTT,

One of said Committee of Three.

Mr. Bogy moved to lay both reports on the table, and make them the special order for to-morrow morning at 10 o'clock, which motion was decided in the negative.

Mr. Birch then offered the following resolution:

"*Resolved*, That the delegates to the Border States Convention be paid according to the recommendation of the Committee, and that Messrs. Long and Meyer be paid according to the recommendation of the minority of the Committee."

Upon which a division of the question was demanded by Mr. Sayre.

The question then being upon the first clause in the resolution, it was agreed to.

The second question being on agreeing to the second clause of said resolution was also agreed to.

Mr. Broadhead moved to pass over the special order so as to allow him to introduce a resolution.

Mr. Wright objected, and the question being submitted to the Convention, was decided in the affirmative by the following vote, the ayes and noes being demanded by Mr. Wright:

Ayes—Messrs. Bogy, Breckinridge, Broadhead, Bridge, Bush, Collier, Eitzen, Foster, Gamble, Gantt, Gravelly, Hall of Randolph, Hendricks, Hitchcock, Holmes, How, Irwin, Isbell, Jackson, Jamison, Johnson, Kidd, Leeper, Linton, Long, Marvin, Maupin, McClurg, McCormack, McDowell, McFerran, Meyer, Rowland, Scott, Shackelford of St. Louis, Smith of Linn, Smith of St. Louis, Turner, Vanbuskirk and Zimmerman—41.

Noes—Messrs. Allen, Bartlett, Bass, Birch, Cayce, Doniphan, Donnell, Douglass, Drake, Dunn, Frayser, Flood, Givens, Gorin, Henderson, Hough, Howell, Hudgins, Knott, Marmaduke, Matson, Moss, Noell, Orr, Phillips, Pipkin, Pomeroy, Rankin, Ray, Sawyer, Sayre, Stewart, Tindall, Waller, Welch, Woodson, Woolfolk, Wright and Mr. President.

Absent—Messrs. Bast, Brown, Calhoun, Chenault, Comingo, Crawford, Harbin, Hatcher, Hill, Holt, Norton, Price, Redd, Ritchey, Ross, Shackelford of Howard, Sheeley and Watkins.

Sick—Mr. Morrow.

Mr. Broadhead then introduced the following:

Amend the rules by adding as follows: "No member shall speak more than one hour on any question before the Convention."

Mr. Smith of St. Louis offered the following amendment: "Add to the proposed amendment to the rules the following: Unless by the unanimous leave of the Convention, and in explanation of his vote, which shall only be allowed when a member has not spoken on the question; he shall not occupy more than five minutes." Which was decided out of order by the President.

Mr. Bogy moved to amend by striking out the words "one hour" and inserting "thirty minutes."

Mr. Knott raised the point of order that the Convention could not entertain the resolution offered by Mr. Broadhead as there was not two-thirds voting in favor of passing over the special order to enable him to introduce it.

The Chair decided that a majority vote of the Convention was sufficient to suspend the special order, from which decision Mr. Knott appealed. The question being, "Shall the decision of the Chair stand as the judgment of the Convention?" it was decided in the affirmative.

Mr. Bogy withdrew his amendment.

Mr. Gantt offered the following amendment: "Amend by striking out the words "one hour" and insert in lieu thereof "45 minutes," which was disagreed to by the following vote, the ayes and noes called for by Mr. Knott:

Ayes–Messrs. Bogy, Breckinridge, Bridge, Bush, Eitzen, Foster, Gantt, Hendrick, Holmes, How, Isbell, Jackson, Johnson, Leeper, Linton, Long, Maupin, Meyer, Rowland, Smith of Linn, Smith of St. Louis, Turner and Zimmerman—23.

Noes—Messrs. Allen, Bartlett, Bass, Birch, Broadhead, Cayce, Doniphan, Donnell, Douglass, Drake, Dunn, Frayser, Flood, Givens, Gorin, Gravelly, Hall of Buchanan, Hall of Randolph, Henderson, Hitchcock, Hough, Howell, Hudgins, Irwin,

Jamison, Kidd, Knott, Marmaduke, Marvin, Matson, McClurg, McCormack, McDowell, McFerran, Moss, Noell, Orr, Phillips, Pipkin, Pomeroy, Rankin, Ray, Sawyer, Sayre, Scott, Shackelford of St. Louis, Stewart, Tindall, Waller, Welch, Woodson, Woolfolk, Wright and Mr. President—54.

ABSENT—Messrs. Bast, Brown, Calhoun, Chenault, Comingo, Crawford, Harbin, Hatcher, Hill, Holt, Norton, Price, Redd, Ritchey, Ross, Shackelford of Howard, Sheeley and Watkins.

SICK—Mr. Morrow.

Mr. WELCH offered to amend as follows: By adding the following to the end of the resolution "without leave of the Convention," which was agreed to.

The resolution as amended was then adopted by the following vote, the ayes and noes called for by Mr. Wright:

AYES—Messrs. Allen, Bass, Bogy, Breckinridge, Broadhead, Bridge, Bush, Eitzen, Flood, Foster, Gantt, Gravelly, Hall of Buchanan, Hall of Randolph, Hendrick, Hitchcock, Holmes, How, Irwin, Jackson, Jamison, Johnson, Leeper, Linton, Long, Marvin, Maupin, McClurg, McCormack, McDowell, McFerran, Meyer, Orr, Rowland, Scott, Shackelford of St. Louis, Smith of Linn, Smith of St. Louis, Tindall, Turner, Vanbuskirk and Zimmerman—42.

NOES—Messrs. Bartlett, Birch, Cayce, Doniphan, Donnell, Douglass, Drake, Dunn, Frayser, Givens, Gorin, Henderson, Hough, Howell, Hudgins, Isbell, Kidd, Knott, Marmaduke, Matson, Moss, Noell, Phillips, Pipkin, Pomeroy, Rankin, Ray, Sawyer, Sayre, Stewart, Waller, Welch, Woodson, Woolfolk, Wright and Mr. President—36.

ABSENT—Messrs. Bast, Brown, Calhoun, Chenault, Comingo, Crawford, Harbin, Hatcher, Hill, Holt, Norton, Price Redd, Ritchey, Ross, Shackelford of Howard, Sheeley and Watkins.

SICK—Mr. Morrow.

On motion of Mr. LONG, the Convention adjourned until to-morrow morning at 10 o'clock.

SIXTH DAY.

SATURDAY MORNING, JULY 27th, 1861.

The Convention met pursuant to adjournment.

The Journal of the proceedings was read and approved.

Mr. BROADHEAD moved that the report of the Committee of Eight be recommitted to said Committee for the purpose of enabling the Committee to perfect their report.

Mr. BIRCH presented a memorial from the citizens of the 10th Senatorial district in favor of filling all officers in the State anew under an election to be provided for by the Convention; which was read and referred to the Committee of Eight.

Mr. Pipkin offered the following resolution, which was adopted:

Resolved, That the Secretary of this Convention be requested to furnish for the use of each member copies of the First Vol. of the Code of 1855, and copies of the 2nd Session Acts of 1859-60 of the laws of the State of Missouri.

Mr. STEWART offered the following resolution, which was referred to the Committee of Eight:

Resolved, That the attempt to avoid the main proposition by arguing a collateral issue is futile.

Mr. SMITH of St. Louis offered the following resolution:

Resolved, That the Committee of Eight be requested to report this afternoon at 3 o'clock, if practicable.

Mr. ALLEN moved to amend by inserting "Monday morning, at 9 o'clock," which was disagreed to.

The resolution then passed.

On motion of Mr. BARTLETT, the Convention adjourned until 9 o'clock, Monday morning.

SEVENTH DAY.

MONDAY MORNING, JULY 29th, 1861.

The Convention met pursuant to adjournment, and was opened with prayer by Mr. MONROE.

Mr. PRESIDENT laid before the Convention the following communication from the State Treasurer, which was read, and, on motion of Mr. GANTT, laid on the table and one hundred and fifty copies ordered to be printed.

TREASURER'S OFFICE,
City of Jefferson, Mo., July 27, 1861.

To the Honorable the Convention of the State of Missouri:

GENTLEMEN—In compliance with your resolution of the 24th inst., "That the State Treasurer be and he is hereby instructed to inform this Convention what amount of money is now in the State Treasury; and also, as early as practicable, to furnish a statement to this body showing what sums have been paid out of the State Treasury since the adjournment of the State Legislature at the close of its last session, and for what purposes, and by what authority such payments respectively have been made," I have the honor to state that there was in the State Treasury on the 24th day of July, 1861, the date of the resolution, the sum of fifty-seven thousand three hundred dollars. There has been drawn from the Treasury "since the adjournment of the State Legislature at the close of its last session," on warrants issued by the Auditor of Public Accounts, as provided by the fourth section of article five of "An act to establish and regulate the Treasury Department," approved December 1st, 1855, the sum of six hundred and thirty-five thousand and eighty-one dollars and thirty-seven cents, which amount has been paid from and charged to the following funds and appropriations, viz:

Civil officers	$22,477 34
Taking the census	448 00
Assessing and collecting the revenue	631 79
Costs in criminal cases	6,088 86
Copying laws and journals	656 33
Improvement of Capitol grounds	3,739 70
General contingent fund	275 01
Contingent expenses of Militia	697 29
do Auditor of Public Accounts	62 45
do Attorney General,	6 00
do Register of Lands,	729 27
do Governor and Secretary of State,	170 66
do State Treasurer	132 53
do Superintendent of Common Schools,	9 50
do General Assembly,	1,996 26
Printing laws and journals	13,323 76
Militia officers	16 25
Pay of Convention	183 00
Act for the relief of J. W. Clem	2,235 22
Act for the repayment of taxes improperly paid	8 93
Education of the blind	3,500 00
State Interest Fund	450,373 99
State Lunatic Asylum Fund	1,000 00
Military Fund, created by "An act to raise money to arm the State," &c., approved May 11, 1861	24,290 09
County revenue	1,727 78
Redemption of lands	355 68
General Assembly	1,065 00
Distributing laws and journals	19 50
Resolution in reference to Register of Lands	92 00
Act for the relief of W. W. Bolton,	39 00
Act for the completion of certain railroads	924 00
Act to appropriate money to pay the debts of the Missouri Penitentiary,	2,879 14
Act to pay expenses incurred in the Southwestern Expedition	81,589 82
Act authorizing the erection of a new Executive mansion	76 63
Act to provide for repairing the arms belonging to the State	330 00
Act to purchase arms for the organized volunteer militia	4,704 23

Act placing money at the disposal of the Governor for the defence of the State, approved May 10, 1861,	5,000 00
Completion of the State Armory···	1,701 36
Act respecting the Deaf and Dumb Asylum, approved March 21, '61,	1,525 00
Total····· ·····	$635,081 37

It is proper that I should remark that my absence in St. Louis, whither I have been in obedience to a summons from the United States Circuit Court, has prevented an earlier reply to the resolution of the Convention.

Very respectfully,

Your obed't serv't,

A. W. MORRISON, Treasurer.

Mr. LONG offered the following resolution, which was, on motion of Mr. GRAVELLY, laid on the table,

Resolved, That the Sergeant-at-Arms be authorized to contract for the *Daily Republican* and *Daily Democrat* of St. Louis for the use of the members of the Convention.

On motion of Mr. WELCH, the Convention took a recess, subject to the call of the President.

The Convention having been called to order by the President,

Mr. BROADHEAD, Chairman of the Committee of Eight, presented the following amended Report:

Mr. PRESIDENT—The Committee of Eight, to whom was recommended the report concerning the necessary action to be taken by the Convention, has instructed me to report the following as a substitute for the former report, and recommend its adoption:

AN ORDINANCE PROVIDING FOR CERTAIN AMENDMENTS TO THE CONSTITUTION.

The People of the State of Missouri, by their Delegates in Convention assembled, do ordain as follows:

First. That the offices of Governor, Lieutenant Governor, Secretary of State, and members of the General Assembly, be and the same are hereby vacated.

Second. A Governor, Lieutenant Governor, and Secretary of State, shall be appointed by this Convention, to discharge the duties and exercise the powers which pertain to their respective offices by the existing laws of the State, and to continue in office until the first Monday of November, 1861, and until their successors are elected and qualified, or until the qualified voters, as hereinafter provided, disapprove the action of this Convention.

Third. On the first Monday of November, 1861, a Governor, Lieutenant Governor, and Secretary of State, and members of the General Assembly, shall be elected by the qualified voters of this State, to hold their offices during the term for which the present incumbents of said offices were elected.

Fourth. The elections provided to be held by this ordinance on the first Monday of November, 1861, shall be conducted in the same manner in all respects as is now provided by the election laws of this State now in force, and shall be held by the qualified voters of the State, at the same place in the election precincts now established by law where the elections were held for delegates to this Convention on the 18th day of February last; and in case any clerk shall fail to make out the proper poll books, or in case any sheriff shall fail to deliver the same to the judges of election, then the clerks of the election may proceed to make out such poll books.

Fifth. In case the Clerks of the several Courts, whose duty it is, as now provided by law, to certify and send up to the Secretary of State an abstract of the votes given at such election, or in case there should be a failure to receive such returns at the seat of Government within twenty days after the first Monday of November, 1861, the Secretary of State shall dispatch a messenger to the county not returned, with directions to bring up the poll-books authorized to be retained by the judges of election, and the Secretary of State, in the presence of the Governor, shall proceed to cast up the votes given at such election, and shall thereupon proceed to issue commissions to the candidates having the highest number of votes.

Sixth. Be it further ordained, That the returns of the election for Governor, Lieutenant Governor, and Secretary of State, provided for by this ordinance, shall be made to the office of the Secretary of State, as now provided by law; and the Secretary of State, within forty days after the first Monday of November, 1861, or sooner if the returns shall have been made, shall, in the presence of the Governor, proceed to cast up the votes given at said election for Governor, Lieutenant Governor, and Secretary of State; and shall give to the persons having the highest number of

votes for these offices respectively, certificates of their election; and the persons so elected shall immediately thereafter be qualified and enter upon the discharge of the duties of their respective offices.

Your Committee would also recommend that the following Ordinance be adopted by the Convention, to-wit:

AN ORDINANCE CONCERNING THE REPEAL AND ABROGATION OF CERTAIN LAWS, AND FOR OTHER PURPOSES.

WHEREAS, the General Assembly of the State of Missouri did, in secret session, contrary to the known wishes of their constituents, in violation of the Constitution and the dearest rights and interests of the people, and for the purpose of dissolving the political relations of this State to the Government of the United States, and subverting the institutions of this State, enact certain odious laws hereinafter enumerated; therefore,

1. *Be it ordained by the People of Missouri in Convention assembled*, That an act entitled "An act to provide for the organization, government and support of the military forces of the State of Missouri," approved May 14th, 1861; also, an act to create a military fund for the State, entitled "An act to raise money to arm the State, repel invasion, and protect the lives and property of the people of Missouri," approved May 11th, 1861; also an act entitled "An act to authorize the appointment of one Major General for the Missouri Militia," approved May 15th, 1861; also a "Joint Resolution to suspend the apportionment of the State School Money for the year 1861," approved May 11th, 1861; also an act entitled "An act to perpetuate friendly relations with the Indian tribes," approved May 11th, 1861, be and the same are hereby repealed and declared of no effect or validity whatever.

2. That all commissions issued or appointments made under the authority of the above recited, acts or any of them, be and the same are hereby annulled; and all soldiers and other persons serving or employed under any of said acts are hereby disbanded and discharged from such service or employment.

3. *And be it further ordained*, That for the purpose of providing for the organization of the militia of the State, the following act, to-wit, an act entitled "An act to govern and regulate the Volunteer Militia of the State," approved December 31st, 1859, be and the same is hereby revived and declared to be in full force and effect.

Also, the following ordinance, to-wit:

AN ORDINANCE FOR SUBMITTING THE ACTION OF THIS CONVENTION TO A VOTE OF THE PEOPLE OF MISSOURI.

Be it ordained, That at the election provided to be held on the first Monday of November, 1861, for the election of Governor, Lieutenant Governor, Secretary of State, and members of the General Assembly, the several Clerks of the County Courts in making the poll-books for the election shall provide two columns — one headed "For the action of the Convention," and the other "Against the action of the Convention;" and if a majority of the legal votes given upon the action of the Convention be for the same, then the officers elected shall hold their offices as provided by the ordinance for their election; but if a majority of the votes cast as aforesaid be against the action of the Convention, then said election shall be null and void, and the persons so chosen shall not enter upon the discharge of the duties of their offices; the officers chosen by this Convention shall go out of office, and the ordinance of this Convention, providing for the abrogation of certain acts of the Legislature, shall thereafter be of no force or effect whatever. The returns of the votes so cast on the action of the Convention shall be made to the office of Secretary of State in the same manner as is provided by ordinance of this Convention in regard to the offices of Governor, Lieutenant Governor, and Secretary of State, and the votes shall be cast up by the same officer; and when the result thereof shall be ascertained, the Governor appointed by this Convention shall, by public proclamation, announce the same, which proclamation shall be filed in the office of Secretary of State.

Mr. WRIGHT moved that the Convention adjourn until 2 o'clock, but withdrew the motion to allow Mr. BRECKINRIDGE to introduce the following resolution:

Resolved, That for the default in the prompt and regular payment of the interest on the State indebtedness, we recognize no legitimate excuse, either in the past, present, or prospective condition of the country, and that we commend it as being pre-eminently the duty of the State promptly to meet all its liabilities.

Mr. WRIGHT moved to lay the resolution on the table. Decided in the negative by the following vote, the ayes and noes being called for by Mr. Breckinridge:

Ayes—Messrs. Bartlett, Bass, Bast, Donnell, Dunn, Frayser, Flood, Givens, Hatcher, Hough, Howell, Hudgins, Knott, Marmaduke, Matson, Moss, Pipkin, Ray, Sawyer, Sayre, Waller, Woodson, and Wright—23.

Noes—Messrs. Allen, Birch, Bogy, Breckinridge, Broadhead, Bridge, Bush, Cayce, Collier, Doniphan, Douglass, Eitzen, Foster, Gamble, Gantt, Gorin, Gravelly, Hall of Buchanan, Hall of Randolph, Henderson, Hitchcock, Holmes, How, Irwin, Isbell, Jackson, Jamison, Johnson, Kidd, Leeper, Linton, Long, Marvin, Maupin, McClurg, McCormack, McDowell, McFerran, Meyer, Morrow, Noell, Orr, Phillips, Pomeroy, Rankin, Rowland, Scott, Shackelford of St. Louis, Smith of Linn, Smith of St. Louis, Stewart, Tindall, Turner, Welch, Woolfolk, Vanbuskirk, Zimmerman and Mr. President—58.

Absent—Messrs. Brown, Calhoun, Chenault, Comingo, Crawford, Drake, Harbin, Hendrick, Hill, Holt, Norton, Price, Redd, Ritchey, Ross, Sheeley and Watkins.

Mr. Dunn offered the following resolution as a substitute:

Resolved, That it is the duty of the State to provide for the prompt payment of the interest and principal of the State indebtedness, and we deeply regret that, owing to the disturbed condition of the country, the July interest of this year was not promptly paid.

Mr. Stewart offered the following amendment to the substitute:

Resolved, That this State will not repudiate any of her legal obligations.

Mr. Dunn accepted the amendment.

On motion of Mr. Welch, the substitute and amendment were laid on the table by the following vote, the ayes and noes being called for by Mr. Dunn:

Ayes—Messrs. Allen, Bartlett, Birch, Bogy, Breckinridge, Broadhead, Bridge, Bush, Cayce, Collier, Douglass, Eitzen, Foster, Gantt, Gravelly, Hall of Buchanan, Henderson, Hitchcock, Holmes, How, Irwin, Isbell, Jackson, Jamison, Johnson, Kidd, Leeper, Linton, Long, Marvin, Maupin, McClurg, McCormack, McDowell, McFerran, Meyer, Morrow, Noell, Orr, Phillips, Pomeroy, Rankin, Ray, Rowland, Scott, Shackelford of St. Louis, Smith of Linn, Smith of St. Louis, Stewart, Tindall, Turner, Welch, Woolfolk, Vanbuskirk, Zimmerman and Mr. President—56.

Noes—Messrs. Bass, Bast, Donnell, Dunn, Frayzer, Flood, Givens, Hatcher, Hough, Howell, Hudgins, Knott, Marmaduke, Matson, Moss, Pipkin, Sawyer, Sayre, Waller, Woodson and Wright—21.

Absent—Messrs. Brown, Calhoun, Chenault, Comingo, Crawford, Doniphan, Drake, Gamble, Gorin, Hall of Randolph, Harbin, Hendrick, Hill, Holt, Norton, Price, Redd, Ritchey, Ross, Shackelford of Howard, Sheeley and Watkins.

Mr. Flood offered the following as a substitute:

Resolved, That we are utterly opposed to the repudiation of any of our State debts, directly or indirectly.

Mr. Moss moved the Convention adjourn until 2 o'clock, P. M.

Decided in the negative.

On motion of Mr. Howell, the resolution and substitute were referred to a select Committee of five.

The Chair appointed Messrs. Howell, Irwin, Gamble, McFerran and Donnell on said committee.

Mr. Allen offered the following resolution, which was read and referred to Committee of Eight:

Resolved, by the people of the State of Missouri in Convention assembled, that we denounce the course pursued by Gov. Jackson, in precipitating the State into a war with the Federal Government.

Mr. Zimmerman gave notice that on tomorrow he would offer an amendment to the rules of the Convention, providing that the previous question may be sustained by a majority of the members voting on the question.

Mr. Phillips offered the following, which was adopted:

Resolved, That in considering the report of the Committee on Public Affairs, each provision thereof be taken up in the order in which it occurs, and separately acted on.

Mr. Wright moved to adjourn. Decided in the negative.

During the consideration of the first section of the Ordinance, on motion of Mr. Welch, the Convention adjourned until 2 o'clock, P. M.

EVENING SESSION.

The Convention met pursuant to adjournment.

The question before the Convention being the adoption of the first clause of an Ordinance providing for certain amendments to the Constitution,

Mr. WELCH moved that the Convention adjourn until to-morrow morning, at 9 o'clock.

Which motion was decided in the negative.

On motion of Mr. TURNER, the Convention adjourned until 9 o'clock to-morrow morning.

EIGHTH DAY.

TUESDAY MORNING, JULY 30th, 1861.

The Convention met pursuant to adjournment.

The journal was read and approved.

The Convention resumed the consideration of the motion to adopt the first clause of an Ordinance providing for certain amendments to the Constitution, pending the consideration of which,

On motion of Mr. FOSTER, the Convention adjourned until 2 o'clock.

EVENING SESSION.

The Convention met pursuant to adjournment, and resumed the consideration of the question pending at the time of the adjournment.

Mr. WELCH moved a call of the house, which was ordered, when Messrs. Kidd and Hatcher were noted absent, in addition to those who have been absent during the session, and, on his motion, further proceedings under the call were dispensed with.

Mr. NOELL called for a division of the question, as follows:

1*st*. That the offices of Governor, Lieutenant Governor, and Secretary of State be and the same are hereby vacated.

2*nd*. That the offices of the members of the General Assembly be and the same are hereby vacated.

The question being on the adoption of the first division, it was decided in the affirmative by the following vote, the ayes and noes being called for by Mr. McDowell:

AYES—Messrs. Allen, Birch, Bogy, Breckinridge, Broadhead, Bridge, Bush, Cayce, Collier, Douglass, Eitzen, Foster, Gamble, Gantt, Gravelly, Hall of Buchanan, Hall of Randolph, Henderson, Hendrick, Hitchcock, Holmes, How, Irwin, Isbell, Jackson, Jamison, Johnson, Leeper, Linton, Long, Marvin, Maupin, McClurg, McCormack, McDowell, McFerran, Meyer, Morrow, Noell, Orr, Phillips, Pomeroy, Rankin, Rowland, Scott, Shackelford of St. Louis, Smith of Linn, Smith of St. Louis, Stewart, Tindall, Turner, Welch, Woolfolk, Vanbuskirk, Zimmerman and Mr. President—56.

NOES—Messrs. Bartlett, Bass, Bast, Doniphan, Donnell, Drake, Dunn, Frayser, Flood, Givens, Gorin, Hough, Howell, Hudgins, Knott, Marmaduke, Matson, Moss, Pipkin, Ray, Sawyer, Sayre, Waller, Woodson and Wright—25.

ABSENT—Messrs. Brown, Calhoun, Chenault, Comingo, Crawford, Drake, Harbin, Hill, Holt, Norton, Price, Redd, Ritchey, Ross, Shackelford of Howard, Sheeley and Watkins.

The question being on the adoption of the second division, it was decided in the affirmative by the following vote, the ayes and noes being called for by Mr. Sayre:

AYES—Messrs. Allen, Birch, Bogy, Breckinridge, Broadhead, Bridge, Bush, Collier, Douglass, Eitzen, Foster, Gamble, Gantt, Gravelly, Hall of Buchanan, Hall of Randolph, Henderson, Hendrick, Hitchcock, Holmes, How, Irwin, Isbell, Jackson, Jamison, Johnson, Leeper, Linton, Long, Marvin, Maupin, McClurg, McCormack, McDowell, McFerran, Morrow, Meyer, Orr, Phillips, Rowland, Scott, Shackelford of St. Louis, Smith of Linn, Smith of St. Louis, Stewart, Tindall, Turner, Welch, Woolfolk, Vanbuskirk, Zimmerman and Mr. President—52.

NOES–Messrs. Bartlett, Bass, Bast, Cayce, Doniphan, Donnell, Drake, Dunn, Frayser, Flood, Givens, Gorin, Hough, Howell, Hudgins, Knott, Marmaduke, Matson, Moss, Noell, Pipkin, Rankin, Ray, Sawyer, Sayre, Waller, Woodson and Wright—28.

ABSENT—Messrs. Brown, Calhoun, Chenault, Comingo, Crawford, Harbin, Hill, Holt, Norton, Price, Redd, Ritchey, Ross, Shackelford of Howard, Sheeley and Watkins.

Excused from voting, Mr. Pomeroy.

Mr. BIRCH offered the following amendment to the second clause of the Ordinance:

"Strike out the word 'November' and insert the word 'September,' in the third line," which was disagreed to by the following vote, the ayes and noes being called for by Mr. Sayre:

AYES—Messrs. Bass, Bast, Birch, Doniphan, Drake, Dunn, Frayser, Flood, Gamble, Givens, Gorin, Howell, Hudgins, Irwin, Marmaduke, Matson, Noell, Sawyer, Sayre, Smith of St. Louis, Woodson, Wright and Mr. President.

NOES—Messrs. Allen, Bartlett, Bogy, Breckinridge, Broadhead, Bridge, Bush, Cayce, Collier, Donnell, Douglass, Eitzen, Foster, Gantt, Gravelly, Hall of Buchanan, Hall of Randolph, Hendrick, Henderson, Hitchcock, Holmes, Hough, How, Isbell, Jackson, Jamison, Johnson, Knott, Leeper, Linton, Long, Marvin, Maupin, McClurg, McCormack, McDowell, McFerran, Meyer, Morrow, Moss, Orr, Phillips, Pipkin, Pomeroy, Rankin, Ray, Rowland, Scott, Shackelford of St. Louis, Smith of Linn, Stewart, Tindall, Turner, Waller, Welch, Woolfolk, Vanbuskirk and Zimmerman—58.

ABSENT—Messrs. Brown, Calhoun, Chenault, Comingo, Crawford, Harbin, Hill, Holt, Norton, Price, Redd, Ritchey, Ross, Shackelford of Howard, Sheeley and Watkins.

The second clause was then adopted by the following vote, the ayes and noes being called for by Mr. Gantt:

AYES–Messrs. Allen, Birch, Bogy, Breckinridge, Broadhead, Bridge, Bush, Cayce, Collier, Douglass, Eitzen, Foster, Gamble, Gantt, Gravelly, Hall of Buchanan, Hall of Randolph, Henderson, Hendrick, Hitchcock, Holmes, How, Irwin, Isbell, Jackson, Jamison, Johnson, Leeper, Linton, Long, Marvin, Maupin, McClurg, McCormack, McDowell, McFerran, Meyer, Morrow, Noell, Orr, Phillips, Pomeroy, Rankin, Rowland, Scott, Shackelford of St. Louis, Smith of Linn, Smith of St. Louis, Stewart, Tindall, Turner, Woolfolk, Vanbuskirk and Zimmerman—54.

NOES—Messrs. Bartlett, Bass, Bast, Doniphan, Donnell, Drake, Dunn, Frayser, Flood, Givens, Gorin, Hough, Howell, Hudgins, Knott, Marmaduke, Matson, Moss, Pipkin, Ray, Sawyer, Sayre, Waller, Welch, Woodson, Wright and Mr. President—27.

ABSENT—Messrs. Brown, Calhoun, Chenault, Comingo, Crawford, Harbin, Hill, Holt, Norton, Price, Redd, Ritchey, Ross, Shackelford of Howard, Sheeley and Watkins.

Mr. WELCH called for a division of the third clause, so as to read,

1*st*. "Third—On the first Monday in November, 1861, a Governor, Lieutenant Governor, and Secretary of State shall be elected," &c.

2*nd*. "The members of the General Assembly shall be elected," &c.

The question being on the adoption of the first division, it was decided in the affirmative by the following vote, the ayes and noes being called for by Mr. Wright:

AYES—Messrs. Allen, Birch, Bogy, Breckinridge, Broadhead, Bridge, Bush, Cayce, Collier, Donnell, Douglass, Eitzen, Foster, Gantt, Gravelly, Hall of Buchanan, Hall of Randolph, Henderson, Hendrick, Hitchcock, Holmes, How, Irwin, Isbell, Jackson, Jamison, Johnson, Leeper, Linton, Long, Marvin, Maupin, McClurg, McCormack, McDowell, McFerran, Meyer, Morrow, Orr, Phillips, Pomeroy, Rankin, Rowland, Scott, Shackelford of St. Louis, Smith of Linn, Smith of St. Louis, Stewart, Tindall, Turner, Welch, Woolfolk, Vanbuskirk, Zimmerman and Mr. President—55.

NOES—Messrs. Bartlett, Bass, Bast, Doniphan, Drake, Dunn, Frayser, Flood, Givens, Gorin, Hough, Howell, Hudgins, Knott, Marmaduke, Matson, Moss, Pipkin, Ray, Sayre, Waller, Woodson and Wright—23.

ABSENT—Messrs. Brown, Calhoun, Chenault, Comingo, Crawford, Gamble, Harbin, Hill, Holt, Noell, Norton, Price, Redd, Ritchey, Ross, Sawyer, Sheely and Watkins.

The second division of the clause was then adopted.

The 4th, 5th and 6th clauses of the Ordinance providing for certain amendments to the Constitution were then adopted.

Mr. BIRCH offered the following amendment to the Ordinance for the repeal and abrogation of certain laws:

Amend the Preamble by striking out the word "know," in the second line, and inserting parenthetically between the words

"purpose" and "of" in the third line, the words "as is believed," which was disagreed to.

Mr. WELCH moved to amend by striking out the Preamble, which amendment was disagreed to by the following vote, the ayes and noes being called for by Mr. Welch:

AYES—Messrs. Bartlett, Birch, Cayce, Donnell, Drake, Dunn, Frayser, Gamble, Hough, Hudgins, Marmaduke, Matson, Orr, Pipkin, Pomeroy, Rankin, Sawyer, Sayre, Waller, Welch, Woodson and Mr. President—22.

NOES—Messrs. Allen, Bass, Bast, Bogy, Breckinridge, Broadhead, Bridge, Bush, Douglass, Eitzen, Flood, Foster, Gantt, Gravelly, Hall of Buchanan, Hall of Randolph, Henderson, Hendricks, Hitchcock, Holmes, How, Irwin, Isbell, Jackson, Jamison, Johnson, Leeper, Linton, Long, Marvin, Maupin, McClurg, McCormack, McDowell, McFerran, Meyer, Morrow, Moss, Phillips, Rowland, Scott, Shackelford of St. Louis, Smith of Linn, Smith of St. Louis, Stewart, Tindall, Turner, Vanbuskirk and Zimmerman—49.

Excused from voting, Mr. Wright.

Mr. BOGY moved to amend as follows:

Strike out the words "the Constitution and" in the second line, which was disagreed to.

The first, second and third clauses of the Ordinance were then adopted by the following vote, the ayes and noes being called for by Mr. Wright:

AYES—Birch, Bogy, Breckinridge, Broadhead, Bridge, Bush, Cayce, Collier, Douglass, Eitzen, Foster, Gantt, Gravelly, Hall of Buchanan, Hall of Randolph, Henderson, Hendrick, Hitchcock, Holmes, How, Irwin, Isbell, Jackson, Jamison, Johnson, Leeper, Linton, Long, Marvin, Maupin, McClurg, McCormack, McDowell, McFerran, Meyer, Morrow, Orr, Phillips, Pomeroy, Rankin, Rowland, Scott, Shackelford of St. Louis, Smith of Linn, Smith of St. Louis, Stewart, Tindall, Turner, Welch, Woolfolk, Vanbuskirk and Zimmerman—52.

NOES—Messrs. Bartlett, Bass, Bast, Doniphan, Donnell, Drake, Dunn, Flood, Frayser, Hough, Hudgins, Marmaduke, Matson, Moss, Pipkin, Ray, Sawyer, Sayre, Waller, Woodson and Wright—21.

Excused from voting, Mr. President and Mr. Howell.

ABSENT—Messrs. Allen, Brown, Chenault, Calhoun, Comingo, Crawford, Gamble, Givens, Gorin, Harbin, Hatcher, Hill, Holt, Kidd, Knott, Noell, Norton, Price, Redd, Ritchey, Ross, Shackelford of Howard, Sheeley and Watkins.

Mr. WELCH moved that the Convention adjourn, which was decided in the negative.

Mr. WELCH offered the following amendment to the "Ordinance for submitting the action of this Convention to a vote of the people of the State of Missouri:"

Amend by inserting after the words "County Clerks," in the third line, the words "or in case said Clerks shall fail, then the Clerks of the election," which was agreed to.

The Ordinance, as amended, was then agreed to by the following vote, the ayes and noes being called for by Mr. Bogy:

AYES—Messrs. Bartlett, Bass, Birch, Bogy, Breckinridge, Broadhead, Bridge, Bush, Cayce, Collier, Doniphan, Donnell, Douglass, Drake, Dunn, Eitzen, Flood, Frayser, Foster, Gantt, Gravelly, Hall of Buchanan, Hall of Randolph, Henderson, Hendrick, Hitchcock, Holmes, How, Howell, Hudgins, Irwin, Isbell, Jackson, Jamison, Johnson, Leeper, Linton, Long, Marmaduke, Marvin, Matson, Maupin, McClurg, McCormack, McDowell, McFerran, Meyer, Morrow, Moss, Orr, Phillips, Pipkin, Pomeroy, Rankin, Ray, Rowland, Sawyer, Sayre, Scott, Shackelford of St. Louis, Smith of Linn, Smith of St. Louis, Stewart, Tindall, Turner, Waller, Welch, Woodson, Woolfolk, Wright, Vanbuskirk, Zimmerman and Mr. President—73.

NOES—None.

ABSENT—Messrs. Allen, Brown, Chenault, Calhoun, Comingo, Crawford, Gamble, Givens, Gorins, Harbin, Hatcher, Hill, Holt, Kidd, Knott, Noell, Norton, Price, Redd, Ritchey, Ross, Shackelford of Howard, Sheeley and Watkins.

Mr. BIRCH offered the following resolution, which was adopted:

Resolved, That the Ordinances of this Convention be properly enrolled, authenticated by the signature of the President, and attested by the Secretary, and filed in the office of Secretary of State.

On motion of Mr. HALL, the Convention adjourned until to-morrow morning, at 10 o'clock.

NINTH DAY.

WEDNESDAY MORNING, JULY 31st, 1861.

Convention met pursuant to adjournment, and was opened with prayer by the Rev. Mr. MONROE.

The journal of yesterday's proceedings was read and approved.

Mr. BIRCH offered the following resolution, which was adopted:

Resolved, That the Ordinances of this Convention be entered at full length upon its journal of to-day: which said Ordinances are as follows:

AN ORDINANCE PROVIDING FOR CERTAIN AMENDMENTS TO THE CONSTITUTION.

The People of the State of Missouri, by their Delegates in Convention assembled, do ordain as follows:

1. That the offices of Governor, Lieutenant Governor, Secretary of State, and members of the General Assembly, be and the same are hereby vacated.

2. A Governor, Lieutenant Governor, and Secretary of State, shall be appointed by this Convention, to discharge the duties and exercise the powers which pertain to their respective offices by the existing laws of the State, and to continue in office until the first Monday of November, 1861, and until their successors are elected and qualified, or until the qualified voters, as hereinafter provided, disapprove the action of this Convention.

3. On the first Monday of November, 1861, a Governor, Lieutenant Governor, and Secretary of State, and members of the General Assembly, shall be elected by the qualified voters of this State, to hold their offices during the term for which the present incumbents of said offices were elected.

4. The elections provided to be held by this ordinance on the first Monday of November, 1861, shall be conducted in the same manner in all respects as is now provided by the election laws of this State now in force, and shall be held by the qualified voters of the State, at the same place in the election precincts now established by law where the elections were held for delegates to this Convention on the 18th day of February last; and in case any clerk shall fail to make out the proper poll-books, or in case any sheriff shall fail to deliver the same to the judges of election, then the clerks of the election may proceed to make out such poll-books.

5. In case the clerks of the several courts whose duty it is as now provided by law to certify and send up to the Secretary of State an abstract of the votes given at such election, or in case there should be a failure to receive such returns at the seat of government within twenty days after the first Monday of November, 1861, the Secretary of State shall dispatch a messenger to the county not returned, with directions to bring up the poll-books authorized to be retained by the judges of election; and the Secretary of State, in the presence of the Governor, shall proceed to cast up the votes given at such election, and shall thereupon proceed to issue commissions to the candidates having the highest number of votes.

6. *Be it further ordained*, That the returns of the election for Governor, Lieutenant Governor, and Secretary of State, provided for by this ordinance, shall be made to the office of the Secretary of State as now provided by law; and the Secretary of State, within forty days after the first Monday of November, 1861, or sooner if the returns shall have been made, shall, in the presence of the Governor, proceed to cast up the votes given at said election for Governor, Lieutenant Governor, and Secretary of State; and shall give to the persons having the highest number of votes for these offices, respectively, certificates of their election; and the persons so elected shall immediately thereafter be qualified, and enter upon the discharge of the duties of their respective offices.

AN ORDINANCE CONCERNING THE REPEAL AND ABROGATION OF CERTAIN LAWS, AND FOR OTHER PURPOSES.

WHEREAS the General Assembly of the State of Missouri did, in secret session, contrary to the known wishes of their constituents, in violation of the Constitution and the dearest rights and interests of the people, and for the purpose of dissolving the political relations of this State to the Government of the Uni-

ted States, and subverting the institutions of this State, enact certain odious laws hereinafter enumerated: Therefore,

1. *Be it ordained by the People of Missouri in Convention assembled,* That an act entitled "An act to provide for the organization, government and support of the military forces of the State of Missouri," approved May the 14th, 1861; also, an act to create a military fund for the State, entitled "An act to raise money to arm the State, repel invasion, and protect the lives and property of the people of Missouri," approved May 11th, 1861; also, an act entitled "An act to authorize the appointment of one Major General for the Missouri militia," approved May 15th, 1861; also, a "Joint resolution to suspend the apportionment of the State school money for the year 1861," approved May 11th, 1861; also, an act entitled "An act to perpetuate friendly relations with the Indian tribes," approved May 11th, 1861, be and the same are hereby repealed and declared of no effect or validity whatever.

2. That all commissions issued or appointments made under the authority of the above recited acts, or any of them, be and the same are hereby annulled; and all soldiers and other persons serving or employed under any of said acts are hereby disbanded and discharged from such service or employment.

3. *And be it further ordained,* That, for the purpose of providing for the organization of the militia of the State, the following act, to wit, an act entitled "An act to govern and regulate the volunteer militia of the State," approved December 31st, 1859, be and the same is hereby revived and declared to be in full force and effect; also, the following ordinance, to wit:

AN ORDINANCE FOR SUBMITTING THE ACTION OF THIS CONVENTION TO A VOTE OF THE PEOPLE OF MISSOURI.

Be it ordained, That at the election provided to be held on the first Monday of November, 1861, for the election of Governor, Lieutenant Governor, Secretary of State, and Members of the General Assembly, the several clerks of the county courts—or, in case said clerks shall fail, then the clerks of the election—in making the poll-books for the election shall provide two columns, one headed "For the action of the Convention," and the other "Against the action of the Convention;" and if a majority of the legal votes given upon the action of the Convention be for the same, then the officers elected shall hold their offices as provided by the ordinance for their election; but if a majority of the votes cast as aforesaid be against the action of the Convention, then said election shall be null and void, and the persons so chosen shall not enter upon the discharge of the duties of their offices, the officers chosen by this Convention shall go out of office, and the ordinance of this Convention providing for the abrogation of certain acts of the Legislature shall thereafter be of no force or effect whatever. The returns of the votes so cast on the action of the Convention shall be made to the office of Secretary of State in the same manner as is provided by ordinance of this Convention in regard to the offices of Governor, Lieutenant Governor, and Secretary of State, and the votes shall be cast up by the same officer; and when the result thereof shall be ascertained, the Governor appointed by this Convention shall by public proclamation announce the same, which proclamation shall be filed in the office of Secretary of State.

ROBERT WILSON, President of the Convention.

Attest: SAM'L A. LOWE, Secretary of Convention.

Mr. DUNN offered the following resolution, which was adopted:

Resolved, That the Committee on accounts be instructed to allow to the pages of the Convention, one half the *per diem* pay of members of the Convention, and to allow to the Reporters, Chaplain, and other officers of the Convention, the same mileage as members, in addition to their per diem pay heretofore fixed by resolution.

Mr. POMEROY offered the following, which was adopted:

Resolved, That the Committee on accounts be and they are hereby instructed to audit and allow the account of John E. Davis, for two days' services as temporary door-keeper, at the organization of this Convention.

On motion of Mr. KNOTT:

Resolved, That the Committee be and they are hereby authorized and required to audit and allow to C. P. Anderson, door-keeper, the amount of expenses incurred by him in the hire of two servants, and for ice purchased by him for the use of this Connention.

On motion of Mr. HALL of Randolph:

Resolved, That the Convention do now proceed to the election of Governor, Lieu-

tenant Governor, and Secretary of State, in the order in which they are named.

Nominations for Governor having been announced to be in order:

Mr. HALL of Randolph, nominated the Hon. HAMILTON R. GAMBLE, of St. Louis county.

There being no other nominations, and the roll being called, there appeared for Mr. Gamble, 69—the members voting as follows:

For Mr. GAMBLE: Messrs. Allen, Birch, Bogy, Breckinridge, Bush, Broadhead, Bridge, Cayce, Collier, Doniphan, Donnell, Douglass, Drake, Dunn, Eitzen, Flood, Foster, Gantt, Givens, Gorin, Gravelly, Hall of Buchanan, Hall of Randolph, Henderson, Hendrick, Hitchcock, Holmes, How, Howell, Irwin, Isbell, Jackson, Jamison, Johnson, Kidd, Leeper, Linton, Long, Marmaduke, Marvin, Maupin, McClurg, McCormack, McDowell, McFerran, Meyer, Morrow, Moss, Noell, Orr, Phillips, Pomeroy, Rankin, Ray, Rowland, Sawyer, Sayre, Scott, Shackelford of St. Louis, Smith of Linn, Smith of St. Louis, Stewart, Tindall, Turner, Welch, Woolfolk, Vanbuskirk, Zimmerman, and Mr. President—69.

EXCUSED FROM VOTING—Messrs. Bass, Bast, Frayser, Hudgins, Pipkin, Waller, Woodson and Wright.

ABSENT—Messrs. Bartlett, Brown, Calhoun, Chenault, Comingo, Crawford, Gamble, Harbin, Hatcher, Holt, Hough, Knott, Norton, Price, Redd, Ritchey, Ross, Shackelford of Howard, Sheely and Watkins.

Mr. GAMBLE having received a majority of all the votes cast, was declared elected as Governor of the State of Missouri, for and under the ordinance of this Convention.

Nominations for Lieutenant Governor being announced as being next in order:

Mr. ROWLAND nominated WILLARD P. HALL, of Buchanan county.

No other nominations being made, and the roll being called, there appeared for

Mr. HALL—Messrs. Allen, Birch, Bogy, Breckinridge, Broadhead, Bridge, Bush, Cayce, Collier, Doniphan, Donnell, Douglass, Dunn, Eitzen, Flood, Foster, Gantt, Givens, Gorin, Gravelly, Hall of Randolph, Henderson, Hendrick, Hitchcock, Holmes, How, Howell, Irwin, Isbell, Jackson, Jamison, Johnson, Kidd, Leeper, Linton, Long, Marvin, Maupin, McClurg, McCormack, McDowell, McFerran, Meyer, Morrow, Moss, Noell, Orr, Phillips, Pomeroy, Rankin, Ray, Rowland, Scott, Shackelford of St. Louis, Smith of Linn, Smith of St. Louis, Stewart, Tindall, Turner, Welch, Woolfolk, Vanbuskirk, Zimmerman and Mr. President—64.

EXCUSED FROM VOTING—Messrs. Bass, Frayser, Hudgins, Marmaduke, Matson, Pipkin, Sawyer, Sayre, Waller, Woodson and Wright.

ABSENT—Messrs. Bartlett, Bast, Brown, Calhoun, Chenault, Comingo, Crawford, Drake, Hall of Buchanan, Harbin, Hatcher, Hill, Holt, Hough, Knott, Norton, Price, Redd, Ritchey, Shackelford of Howard, Sheeley and Watkins.

Mr. HALL having received a majority of all the votes cast, was declared elected as Lieutenant Governor under said ordinance.

Nominations for Secretary of State being in order:

Mr. TURNER nominated MORDECAI OLIVER, of Green county.

There being no other nominations, and the roll having been called, there appeared for

Mr. OLIVER—Messrs. Allen, Birch, Bogy, Breckinridge, Broadhead, Bridge, Bush, Cayce, Collier, Doniphan, Donnell, Douglass, Dunn, Eitzen, Flood, Foster, Gantt, Givens, Gorin, Gravelly, Hall of Buchanan, Hall of Randolph, Henderson, Hendricks, Hitchcock, Holmes, How, Howell, Irwin, Isbell, Jackson, Jamison, Johnson, Kidd, Leeper, Linton, Long, Marvin, Maupin, McClurg, McCormack, McDowell, McFerran, Meyer, Morrow, Moss, Noell, Phillips, Pomeroy, Rankin, Ray, Rowland, Sawyer, Scott, Shackelford of Saint Louis, Smith of Linn, Smith of St. Louis, Stewart, Tindall, Turner, Welch, Woolfolk, Vanbuskirk, Zimmerman and Mr. President.—65.

EXCUSED FROM VOTING—Messrs. Bass, Frayser, Hudgins, Marmaduke, Matson, Pipkin, Sayre, Woodson and Wright.

ABSENT—Messrs. Bartlett, Bast, Brown, Calhoun, Chenault, Comingo, Crawford, Drake, Gamble, Gorin, Harbin, Hatcher, Hill, Holt, Hough, Knott, Norton, Orr, Redd, Ritchey, Ross, Sheeley, Waller and Watkins.

Mr. OLIVER having received a majority of all the votes cast, was declared elected as Secretary of State under said ordinance.

Mr. Breckinridge offered the following:

Resolved, That when this Convention adjourns its session in Jefferson City, it will adjourn to meet in this hall on the third Monday in December next, subject, however, to the call of the Governor, who shall

have power to call this Convention together at such time prior to the third Monday in December next, and at such place, as in his judgment the public exigencies may require.

Mr. Sawyer offered the following amendment:

"Strike out all after the words 'Jefferson City,' and insert in lieu thereof the words '*sine die*,'" which was disagreed to by the following vote, the ayes and noes called for by Mr. Marmaduke:

AYES—Messrs. Bartlett, Bass, Doniphan, Donnell, Drake, Dunn, Frayser, Flood, Givens, Gorin, Howell, Hudgins, Knott, Marmaduke, Matson, McDowell, Morrow, Moss, Phillips, Pipkin, Ray, Rowland, Sawyer, Sayre, Smith of Linn, Walter, Welch, Woodson and Wright—29.

NOES—Messrs. Allen, Birch, Bogy, Breckinridge, Broadhead, Bridge, Bush, Cayce, Douglass, Eitzen, Foster, Gantt, Hall of Buchanan, Hall of Randolph, Henderson, Hendrick, Hitchcock, Holmes, How, Irwin, Isbell, Jackson, Jamison, Johnson, Leeper, Linton, Marvin, Maupin, McClurg, McCormack, McFerran, Meyer, Orr, Pomeroy, Rankin, Scott, Shackelford of St. Louis, Smith of St. Louis, Stewart, Tindall, Turner, Vanbuskirk and Zimmerman—43.

The resolution was then agreed to by the following vote, the ayes and noes being called for by Mr. Sayre.

AYES—Messrs. Allen, Birch, Bogy, Breckinridge, Broadhead, Bridge, Bush, Cayce, Douglass, Eitzen, Foster, Gantt, Gravelly, Hall of Buchanan, Hall of Randolph, Henderson, Hendrick, Hitchcock, Holmes, How, Irwin, Isbell, Jackson, Jamison, Johnson, Leeper, Linton, Marvin, Maupin, McClurg, McCormack, McDowell, McFerran, Meyer Noell, Orr, Phillips, Pomeroy, Rankin, Scott, Shackelford of St. Louis, Smith of St. Louis, Stewart, Tindall, Turner, Vanbuskirk and Zimmerman—47.

NOES—Messrs. Bass, Doniphan, Donnell, Drake, Dunn, Frayser, Flood, Givens, Gorin, Howell, Hudgins, Knott, Marmaduke, Morrow, Pipkin, Ray, Rowland, Sawyer, Sayre, Smith of Linn, Waller, Welch, Woodson and Wright—24.

ABSENT—Messrs. Bartlett, Bast, Brown, Calhoun, Chenault, Collier, Comingo, Crawford, Gamble, Harbin, Hatcher, Hill, Holt, Hough, Kidd, Matson, Moss, Norton, Price, Redd, Ritchey, Ross, Shackelford of Howard, Sheeley, Watkins, Woolfolk and Mr. President—27.

SICK—Mr. Long.

Mr. BROADHEAD presented the following resolution:

Resolved, That the Secretary of State be required to cause the ordinances passed by this Convention, to be published eight weeks successively in the "*Republican*," "*Democrat*," and "*Anzeiger*," in the City of St. Louis, and in the "*Springfield Mirror*," the "*Louisiana Journal*," "*St. Joseph Journal*," and "*Paris Mercury*," and that he also be required to forward to the Clerks of the County Courts of the respective counties in the State, a certified copy of said ordinances, and that the Auditor of Public Accounts be required to audit the accounts for publishing as aforesaid, out of any money appropriated for the pay of the expenses of the Convention.

Mr. DUNN offered an amendment to insert certain other papers, and on his motion the resolution and amendment were referred to a Committee by the following vote, the ayes and nays being called for by Mr. Wright:

AYES—Messrs. Allen, Bast, Birch, Breckinridge, Broadhead, Bridge, Bush, Cayce, Collier, Doniphan, Donnell, Douglass, Drake, Dunn, Eitzen, Frayser, Flood, Foster, Gantt, Gorin, Gravelly, Hall of Buchanan, Hall of Randolph, Hendricks, Hitchcock, How, Howell, Hudgins, Irwin, Isbell, Jackson, Jamison, Johnson, Leeper, Linton, Marmaduke, Marvin, Matson, Maupin, McClurg, McCormack, McDowell, McFerran, Meyer, Morrow, Moss, Phillips, Pomeroy, Ray, Rowland, Sawyer, Sayre, Scott, Shackelford of St. Louis, Smith of Linn, Smith of St. Louis, Stewart, Tindall, Waller, Welch, Woodson, Wright, Vanbuskirk and Zimmerman—64.

NOES—Messrs. Bogy, Givens, Henderson, Holmes, Knott, Pipkin and Turner—7.

ABSENT—Messrs. Bartlett, Bass, Brown, Calhoun, Chenault, Comingo, Crawford, Gamble, Harbin, Hatcher, Hill, Holt, Hough, Kidd, Noell, Norton, Price, Rankin, Redd, Ritchey, Ross, Shackelford of Howard, Sheeley, Watkins, Woolfolk and Mr. President.

SICK—Mr. Long.

The President thereupon appointed as said Committee, Messrs. Dunn, Broadhead and Orr.

On motion of Mr. BIRCH,

Resolved, That a Committee of three be appointed to wait upon the Hon. HAMILTON R. GAMBLE, inform him of his election as provisional Governor of the State, and that this Convention will be pleased to take or-

der for his inauguration in the Hall of the House of Representatives at 3 o'clock this afternoon.

Under said resolution the President appointed Messrs. Birch, Hall of Buchanan, and Doniphan, as said Committee.

On motion of Mr. WELCH,

Resolved, That Robert Holmes, Thomas T. Gantt, and John F. Long, be appointed a special Committee to contract with Messrs. George Knapp & Co., of the city of St. Louis, for the printing of five thousand copies of the debates and proceedings of the present called session of the State Convention, at rates not exceeding those heretofore agreed on between the Convention and said George Knapp & Co., at the regular session in March last.

Resolved, That the account of George Knapp & Co., for printing five thousand copies of the proceedings and debates of this Convention be audited by said Committee, and that the same be considered as printing for the Convention, the payment for which is provided for out of the funds appropriated by the Convention for the contingent expenses of the Convention.

Resolved, That said printed proceedings be distributed in the same manner as was provided for the distribution of the proceedings of the regular session.

By leave of the Convention, Mr. NOELL recorded his vote in the affirmative on the ordinance submitting the action of the Convention to the people.

On motion of Mr. HALL of Buchanan, the Convention adjourned until half past 3 o'clock, P. M.

EVENING SESSION.

The Convention met pursuant to adjournment.

On motion of Mr. TURNER,

Resolved, That the thanks of this Convention be and are hereby tendered to the Hon. ROBERT WILSON, President, the Hon. AIKMAN WELCH, Vice President, SAM. A. LOWE, Secretary, R. A. CAMPBELL, Assistant Secretary, and J. E. D. COZZENS, Assistant Sergeant-at-Arms of this Convention for the able and satisfactory manner in which they have performed the duties of their respective offices.

The Committee who was appointed to prepare an address to the people of the State through their Chairman Hon. Hamilton R. Gamble, presented the following:

TO THE PEOPLE OF THE STATE OF MISSOURI.

Your delegates assembled in Convention propose to address you upon the present condition of affairs within our State.

Since the adjournment of this Convention in March last, the most startling events have rushed upon us with such rapidity that the nation stands astonished at the condition of anarchy and strife to which in so brief a period it has been reduced. When the Convention adjourned, although the muttering of the storm was heard, it seemed to be distant, and it was hoped that some quiet but powerful force might be applied by a beneficent Providence to avert its fury and preserve our country from threatened ruin. That hope has not been realized. The storm in all its fury has burst upon the country, the armed hosts of different sections have met each other in bloody conflict, and the grave has already received the remains of thousands of slaughtered citizens. Passion, inflamed to madness, demands that the stream of blood shall flow broader and deeper, and the whole energies of a people, but a few months since prosperous and happy, are now directed to the collection of larger hosts, and the preparation of increased and more destructive enginery of death.

Your delegates enjoy the satisfaction of knowing that, neither by their action nor their failure to act, have they in any degree contributed to the ferocious war spirit which now prevails so generally over the whole land. We have sought peace, we have entreated those who were about to engage in war to withhold their hands from the strife, and in this course we know that we but expressed the wishes and feelings of the State. Our entreaties have been unheeded; and now, while war is raging in other parts of our common country, we have felt that our first and highest duty is to preserve, if possible, our own State from its ravages. The danger is imminent, and demands prompt and decisive measures of prevention.

We have assembled in Jefferson under circumstances widely different from those that existed when the Convention adjourned its session at St. Louis.

We find high officers of the State Government engaged in actual hostilities with the forces of the United States, and blood has been shed upon the soil of Missouri. Many of our citizens have yielded obedience to an ill-judged call of the Governor and have assembled in arms for the purpose of "repelling the invasion of the State by armed bands of lawless invaders," as the troops of the United States are designated by the Governor in his proclamation of the 12th day of June last.

We find that troops from the State of Arkansas have come into Missouri for the purpose of sustaining the action of our Governor in his contest with the United States, and this at the request of our Executive.

We find no person present, or likely soon to be present, at the seat of government to exercise the ordinary functions of the Executive department or to maintain the internal peace of the State.

We find that throughout the State there is imminent danger of civil war in its worst form, in which neighbor shall seek the life of neighbor, the bonds of society shall be dissolved, and universal anarchy shall reign.

If it be possible to find a remedy for existing evils and to avert the threatened horrors of anarchy it is manifestly the duty of your delegates assembled in Convention to provide such remedy. And in order to determine upon the remedy, it is necessary to trace very briefly the origin and progress of the evils that now afflict the State.

It is not necessary that any lengthy reference should be made to the action of those States which have seceded from the Union. We cannot remedy or recall that secession. They have acted for themselves, and must abide the consequences of their own action. So far as you have expressed your wishes, you have declared your determination not to leave the Union, and your wishes have been expressed by this Convention.

Any action of any officer of the State in conflict with your will thus expressed, is an action in plain opposition to the principles of our Government which recognize the people as the source of political power, and their will as the rule of conduct for all their officers. It would have been but a reasonable compliance with your will, that after you had, through this Convention, expressed your determination to remain in the Union, your Executive and Legislative officers should not only have refrained from any opposition to your will, but should have exerted all their powers to carry your will into effect.

We have been enabled to ascertain by some correspondence of different public officers, accidentally made public, that several of those officers not only entertained and expressed opinions and wishes against the continuance of Missouri in the Union, but actually engaged in sch emes to withdraw her from the Union, contrary to your known wishes.

After the adjournment of your convention in March, which had expressed your purpose to remain in the Union, Governor Claiborne F. Jackson, in a letter addressed to David Walker, President of the Arkansas Convention, dated April 19, 1861, says: "From the beginning my own conviction has been that the interest, duty and honor of every slave-holding State demands their separation from the Northern or non-slaveholding States." Again, he says: "I have been from the beginning in favor of decided and prompt action on the part of the Southern States, but the majority of the people of Missouri, up to the present time, have differed with me." Here we have the declaration of his opinion and wishes, and the open confession that a majority of the people did not agree with him. But he proceeds: "What their future action (meaning the future action of the people) may be, no man, with certainty, can predict or foretell; but my impression is, judging from the indications hourly occuring, *that Missouri will be ready for secesston in less than thirty days, and will secede if Arkansas will only get out of the way and give her a free passage.*

It will presently be seen by an extract from another letter what the Governor means by being "ready for secession," but it is very remarkable that he should undertake not only to say that she would be ready to secede in thirty days; but further, that "*she will secede,*" when in fact your Convention at that time stood adjourned to the third Monday of December next. His declaration, that the State would secede, is made, doubtless, upon some plan of his own, independent of the Convention.

Nine days after this letter to the President of the Arkansas Convention, he wrote another addressed to J. W. Tucker, Esq., the editor of a secession newspaper in St. Louis. This letter is dated April 28, 1861. The writer says:

"I do not think Missouri should secede to-day or to-morrow, but I do not think it good

policy that I should so openly declare. *I want a little time to arm the State,* and I am assuming every responsibility to do it with all possible dispatch."

Again, he says, "*We should keep our own counsels.* Everybody in the State is in favor of arming the State; then let it be done. All are opposed to furnishing Mr. Lincoln with soldiers. *Time will settle the balance. Nothing should be said about the time or the manner in which Missouri should go out.* That she ought to go and will go at the proper time I have no doubt. She ought to have gone last winter, *when she could have seized the public arms and public property and defended herself.*" Here we have the fixed mind and purpose of the Governor that Missouri shall leave the Union. He wants time — a little time to arm the State. He thinks secrecy should be preserved by the parties with whom he acts in keeping their counsels. He suggests that nothing should be said about the time or the manner in which Missouri should go out, manifestly implying that the time and manner of going out which he and those with whom he acted proposed to adopt, was some other time and manner than such as was to be fixed by the people through their Convention. It was no doubt to be a time and manner to be fixed by the Governor and the General Assembly, or by the Governor and a military body to be provided with arms during the "little time" needed by the Governor for that purpose. There has been no specific disclosure made to the public of the details of this plan, but the Governor expresses his strong conviction that at the *proper time* the State will go out.

This correspondence of the Governor occurred at a time when there was no interference by soldiers of the United States with any of the citizens or with the peace of the State. The event which produced exasperation through the State—the capture of Camp Jackson—did not take place until the 10th of May. Yet the evidence is conclusive that there was at the time of this correspondence a secret plan for taking Missouri out of the Union without any assent of the people through their Convention.

An address to the people of Missouri was issued by Thomas C. Reynolds, the Lieutenant Governor, in which he declares that "in Arkansas, Tennessee, and Virginia, his efforts have been directed unceasingly to the best of his limited ability to the promotion of our interests, indissolubly connected with the vindication of our liberties, and our speedy union with the Confederate States." Here is the second Executive officer of Missouri avowedly engaged in travelling through States, which he must regard while Missouri continues in the Union as foreign States, and in those States endeavoring, as he says, to promote the interests of our State. The mode of promoting our interests is disclosed in another passage of the address, in which he gives the people assurance "that the people of the confederate States, though engaged in a war with a powerful foe, would not hesitate still farther to tax their energies and resources at the proper time, and on a proper occasion, in aid of Missouri." The mode of promoting our interests, then, was by obtaining military aid, and this while Missouri continued in the Union.

The result of the joint action of the first and second Executive officers of the State has been, that a body of the military forces of Arkansas has actually invaded Missouri, to carry out the schemes of your own officers, who ought to have conformed to your will as you had made it known at elections, and had expressed it by your delegates in Convention.

Still farther to execute the purpose of severing the connexion of Missouri with the United States, the General Assembly was called, and when assembled sat in secret session, and enacted laws which had for their object the placing in the hands of the Governor large sums of money to be expended in his discretion for military purposes, and a law for the organization of a military force which was to be sustained by extraordinary taxation, and to be absolutely subject to the orders of the Governor to act against all opposers, including the United States. By these acts, schools are closed, and the demands of humanity for the support of lunatics are denied, that the money raised for the purposes of education and benevolence may swell the fund to be expended in war.

Without referring more particularly to the provisions of these several acts, which are most extraordinary and extremely dangerous as precedents, it is sufficient to say that they display the same purpose to engage in a conflict with the General Government, and to break the connection of Missouri with the United States, which had before been manifested by the Governor.

The conduct of these officers of the legislative and executive departments has produced evils and dangers of vast magnitude, and your delegates in Convention have addressed them-

selves to the important and delicate duty of attempting to free the State from these evils.

The high executive officers have fled from the seat of Government and from the State, leaving us without the officers to discharge the ordinary and necessary executive functions. But, more than this, they are actually engaged in carrying on a war within the State, supported by troops from States in the Southern Confederacy; so that the State, whilst earnestly desiring to keep out of the war, has become the scene of conflict without any action of the people assuming such position of hostility.

Any remedy for our present evils, to be adequate, must be one which shall vacate the offices held by the officers who have thus brought our troubles upon us.

Your delegates desire that you shall by election fill these offices by persons of your own choice, and for this purpose they have directed, by ordinance, that an election shall be held on the first Monday in November. This time, rather than one nearer at hand, was selected so as to conform to the spirit of the provision in the Constitution, which requires three months' notice to be given of an election to fill a vacancy in the office of Governor. But, in the meantime, much damage might happen to the State by keeping the present incumbents in office, not only by leaving necessary Executive duties unperformed, while they prosecute their war measures, but by continuing and increasing the internal social strife which threatens the peace of the whole State. Your delegates judged it necessary that in order to preserve the peace, and in order to arrest invasions of the State, that these Executive offices should be vacated at once, and be filled by persons selected by your delegates until you could fill them by election. They have, therefore, made such selection as they trust will be found to be judicious in preserving the peace of the State.

The office of Secretary of State has not been mentioned before, and it is sufficient to say, that Benjamin F. Massey, the present incumbent, has abandoned the seat of Government, and has followed the fortunes of the Governor, taking with him the seal of State. As an instrument of evil he may be employed by the Governor in action deeply injurious to the State; and he has been dealt with by your delegates in the same manner as the Governor and Lieutenant Governor.

In regard to the members of the General Assembly, it is only necessary to say that, by the enactment of the law called the military bill, which violates the Constitution and places the entire military strength of the State at the almost unlimited control of the Executive, and imposes onerous burdens upon the citizens for the support of an army, and by the passage of general appropriation acts which give to the Executive the command of large funds to be expended at his discretion for military purposes, thus uniting the control of the purse and the sword in the same hands, they have displayed their willingness to sustain the war policy of the Executive, and place the destinies of the State in the hands of the Governor.

The offices of the members of the General Assembly have therefore been vacated and a new election ordered, so that you may have an opportunity of choosing such legislative representatives as may carry out your own views of policy.

In order that the schemes of those who seek to take Missouri out of the Union may not farther be aided by the late secret legislation of the General Assembly, your delegates have by ordinance annulled the military law, and such other acts as were doubtless passed for the purpose of disturbing the relations of the State with the Federal Government.

These are the measures adopted by your delegates in Convention for the purpose of restoring peace to our disturbed State, and enabling you to select officers for yourselves to declare and carry into effect your views of the true policy of the State. They are measures which seem to be imperatively demanded by the present alarming condition of public affairs, and your delegates have determined to submit them to you for your approval or disapproval, that they may have the authority of your sanction, if you find them to be adapted to secure the peace and welfare of the State.

There are some who question the power of the Convention to adopt these measures. A very brief examination of this question of power will show that the power exists beyond doubt.

It is one of the fundamental principles of our government that all political power resides in the people, and it is established beyond question, that a Convention of delegates of the people, when regularly called and assembled, possess all the political power which the people themselves possess, and stands in the place of the assemblage of all the people in one vast mass. If there be no limitation upon the power of the Convention, made in the call of the body,

then the body is possessed of unlimited political power. If it be a State Convention, then there is a limitation upon it, imposed by the Constitution of the United States.

If we state the position of the opponents of the powers now exercised by this Convention in the strongest form, it is this: The Convention was called by an act of the General Assembly for specific purposes declared in the act, and therefore the people in electing delegates under that act intended to limit the Convention to the subjects therein specified, and the action taken by the Convention in vacating state offices is not within the scope of the subjects thus submitted to the Convention.

It is very well understood by all that a Convention of the people does not derive any power from any act of the Legislature. All its power is directly the power of the people, and is not dependent upon any act of the ordinary functionaries of the State. It cannot be claimed, in the present case, that we are to look at the act of Assembly referred to for any other purpose than to find whether there is any limitation imposed by the people upon the powers of the Convention, by electing the Convention under the act. If it be examined with that view, and if it be conceded that any of its provisions were designed to limit the powers of the Convention, it will be seen that all the Convention has done comes clearly within the scope of the powers designed to be exercised.

The fifth section of the act provides that the Convention, when assembled, "shall proceed to consider the then existing relations between the Government of the United States, the people and the governments of the different States, and the government and people of the State of Missouri, *and to adopt such measures for vindicating the sovereignty of the State and the protection of its institutions as shall appear to them to be demanded.*" The measures to be adopted are to be such as the Convention shall judge to be demanded in order to vindicate the sovereignty of the State and protect its institutions. Those measures are left to the judgment of the Convention, and may reach any officer or any class of persons.

Let us take the case, then, of an armed invasion of the State by troops from Arkansas, either invited or headed by the Governor of Missouri. The vindication of the sovereignty of the State may demand that such invasion be repelled by force, and every person can see that while the forces of Missouri may be employed in repelling the invasion, it is perfectly obvious that the vindication of our sovereignty requires that the Governor, who is by the Constitution the Commander-in-Chief of the army of the State, must be removed from that office when he is actually engaged in leading or inciting the invasion. To consider the relations existing between the people and Government of Arkansas and the people and Government of Missouri, and to adopt measures to vindicate our sovereignty, imperatively demands in the case supposed, and which actually exists, that the Commander-in-Chief of Missouri be removed from his office.

This case is stated merely as an illustration of the principles upon which the Convention has felt itself bound to act. Other cases equally strong, and equally demanding the interposition of the Convention, might be stated as actually existing, but that now stated is sufficient to put you in possession of the principle upon which the action of the Convention rests. It is clearly an action demanded by the duty of vindicating the sovereignty of the State, and it applies to the other persons removed from office by the Convention upon the ground that they are all involved in the same scheme for assailing the sovereignty of the State.

In relation to the members of the General Assembly, the convention are aware that all the members did not participate in the action which is regarded as an attempt to destroy the institutions of the State by destroying her connexion with the Union and thus overturning the institutions which she has as one of the United States. But no distinction could be made among the members on account of their individual opinions. The body was necessarily treated collectively.

And now having stated the necessity for the action of the Convention, and the principles which have governed its action, your delegates submit the whole for your consideration and calm judgment. They have felt their own position and that of the State to be peculiar. They have looked over Missouri and beheld the dangers that threaten her. They desire to avert them. They desire to restore peace to all her citizens. They have adopted the measures which in their judgment gave the highest promise of peace and security to all her citizens. If the measures adopted should have the desired effect, your delegates will feel that gratification which always attends the success of well intended effort. If the measures should fail to restore peace, your delegates will find consolation in the fact that they have done what they could.

The question being on agreeing to the address, the same was adopted by the Convention.

Mr. Birch presented the following:

Resolved, That fifty thousand copies of the address just read, together with the ordinances adopted by this Convention, be printed and distributed by George Knapp & Co., in equal portions, to the address of the members of this body,—the expense thereof to be audited and paid for at the same rates and charges that the proceedings and debates of the previous session of this Convention were.

On motion of Mr. Gantt the said resolution was passed over informally.

Mr. Hitchcock presented the following:

Resolved, That a special Committee of Three be appointed whose duty it shall be to sit during the recess of the Convention and to enquire and report at its next session what number, description and quantity of certificates or receipts under the name of "State Scrip," or otherwise, have been issued or granted by any officer or officers of the State Government since the 1st day of January last, and to what person or persons, and for what purposes, and that said Committee have power to send for persons and papers for the purpose of such inquiry; which was on motion of Mr. McFerran rejected.

Mr. Birch submitted the following as the programme for the inauguration of the provisional Governor appointed this morning:

"When he is introduced to the President, that officer will invite him to a position at his right and introduce him to the Convention, who will quietly rise in a body, bow their recognition and again resume their seats. The Governor (meanwhile standing also) will then deliver such remarks or address as he may deem proper, concluding by signifying his readiness to take the oath of office, which will be administered by the Clerk of the Supreme Court, and thereupon the Governor will withdraw; the members of the Convention again simultaneously rising as he leaves the Hall.

It shall then be announced that the like oath will be administered to the Hon. Willard P. Hall, as Lieutenant Governor, and to the Hon. Mordecai Oliver, as Secretary of State, if they be present; or that, if otherwise, it shall be the duty of the Secretary of the Convention to notify them of their election; and the ceremonies thus indicated shall be closed by the Chaplain. Which said programme was adopted by the Convention.

The Committee appointed to wait on the Hon. Hamilton R. Gamble, provisional Governor elect, having returned, and presented him to the Convention, in accordance with the programme adopted, and he having signified his readiness to take the oath of office, it was administered to him by William E. Dunscomb, Esq., Clerk of the Supreme Court of the State of Missouri.

The Hon. Willard P. Hall, Lieutenant Governor elect, and the Hon. Mordecai Oliver, Secretary of State elect, then came forward and took the oath required of them by the Constitution.

The resolution introduced by Mr. Birch, in regard to the printing of the address and ordinances, which was informally passed over, was taken up. Mr. Gantt moved to amend, by inserting after "printed" the words "under the direction of the Committee, heretofore appointed, on the most economical terms, and by them," and by striking out the words "George Knapp & Co.," and by adding to the resolution the following: "And that the address itself be spread upon the Journal," which amendments were agreed to.

The resolution as amended was then adopted by the Convention.

Mr. Dunn from the Committee to whom was refered the subject of printing the ordinances presented the following:

"The Committee, to which has been refered the resolution upon the subject of printing the ordinances adopted by this Convention, respectfully submit to the Convention the following report:

In conformity with the spirit of the thirteenth article of the Constitution of the State, the Committee recommend the adoption of the following resolutions:

Resolved, That the ordinances adopted by this Convention, at its present session be published in all the newspapers, published in the State, three several times, as soon as the same can be forwarded to them duly certified by the Secretary of State.

Resolved, That payment shall be made for such publication out of money appropriated for the expenses of the Convention according to the rates allowed by law for similar services." Which said report was agreed to by the Convention.

On motion of Mr. HALL of Randolph, the Convention adjourned until the third Monday in December next.

ROBERT WILSON,
President of the Convention.

ATTEST:

SAM. A. LOWE,
Secretary of the Convention.

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PROCEEDINGS

OF THE

Missouri State Convention,

HELD AT

JEFFERSON CITY,

JULY, 1861.

ST. LOUIS:
GEORGE KNAPP & CO., PRINTERS AND BINDERS.
1861.

PROCEEDINGS

OF THE

MISSOURI STATE CONVENTION.

Held at the City of Jefferson, July, 1861,

MONDAY, July 22.

Convention met at 11 o'clock.

On motion of Mr. McFERRAN, the Secretary called the roll, when the following members were found to be present:

Messrs. Allen, Bartlett, Bogy, Breckinridge, Broadhead, Bridge, Bush, Doniphan, Douglass, Eitzen, Porter, Gantt, Givens, Gorin, Hall of Buchanan, Hatcher, Henderson, Hendricks, Hitchcock, Hough, How, Jackson, Linton, Long, Marmaduke, McClurg, McCormack, McFerran, Meyer, Moss, Noell, Orr, Phillips, Pipkin, Rankin, Scott, Smith of St. Louis, Smith of Linn, Stewart, Tindall, Turner, Walker, Welch, Woolfolk and Wright.

There being no quorum, on motion of Mr. Hall of BUCHANAN, the Convention took a recess until 5 o'clock P. M.

AFTERNOON SESSION.

Convention re-assembled at 5 o'clock, Vice President WILSON in the chair.

The Secretary called the roll when it was found that the following additional members had arrived:

Messrs. Cayce, Donnell, Drake, Dunn, Flood, Hall of Randolph, Holmes, Howell, Hudgins, Irwin, Isbell, Leeper, Maupin, Rowland, Shackelford of St. Louis, Wilson, and Zimmerman.

The President announced a quorum present and that the Convention was now ready to proceed to business.

Mr. WELCH moved that W. H. Ferguson be appointed temporary Sergeant-at-Arms; but withdrew his motion on the suggestion of Mr. Breckinridge that Capt. Cozzens, from St. Louis, Assistant Sergeant-at-Arms, was present and ready to commence his duties.

Mr. BROADHEAD gave notice that he would, on to-morrow, move an amendment of the rules, providing that no member shall speak more than thirty minutes on any question before the Convention.

On motion of Mr. How, the Convention adjourned until 9 o'clock, on to-morrow morning.

SECOND DAY.

TUESDAY MORNING, JULY 23d, 1861.

Convention assembled at 9 o'clock, Vice President WILSON in the chair, and sixty-six members present.

Mr. BROADHEAD offered a resolution that the Public Printer furnish each member of the Convention a copy of the laws and journals of the last session of the Legislature. The resolution was amended, on motion of Mr. BRECKINRIDGE, in such a manner as to direct the Secretary of the Convention to procure the journals, and give the Public Printer a receipt for the same, and then adopted.

Mr. BRECKINRIDGE offered the following:

Resolved, That the office of President of this Convention be and the same is hereby declared vacant.

Resolved, That the Convention now proceed to fill the vacancy.

Mr. TURNER offered the following amendment:

Insert Doorkeeper after the word President.

Mr. BRECKINRIDGE said the reasons for offering the resolution were obvious, but he could not see the propriety of offering the amendment, and hoped, if consistent with the gentleman's views, that he would withdraw it.

Mr. HALL of Buchanan raised a point of order on the ground that the amendment was not germain to the resolution.

Mr. TURNER then withdrew his amendment.

Mr. WRIGHT demanded the ayes and noes on the adoption of the resolution. The vote was as follows:

AYES—Allen, Bartlett, Bogy, Breckinridge, Broadhead, Bridge, Bush, Cayce, Douglass, Eitzen, Foster, Gantt, Hall of Buchanan, Hall of Randolph, Henderson, Hendricks, Hitchcock, Holmes, How, Irwin, Isbell, Jackson, Leeper, Linton, Long, Maupin, McClurg, McCormack, McFerran, Meyer, Noell, Orr, Phillips, Rankin, Rowland, Scott, Shackelford of St. Louis, Smith of St. Louis, Stewart, Tindall, Turner, Welch, Wilson, Woolfolk, Zimmerman—45.

NOES—Bass, Doniphan, Donnell, Drake, Dunn, Flood, Givens, Gorin, Hatcher, Hough, Howell, Hudgins, Knott, Marmaduke, Matson, Moss, Pipkins, Smith of Linn, Waller, Woodson, Wright—21.

The resolution was declared adopted.

Mr. HALL of Buchanan nominated Robert Wilson for President.

Mr. LONG moved the nomination be made unanimous.

Motion sustained.

On motion of Mr. HALL of Buchanan, Messrs. Hall, Wright of St. Louis, and Woolfolk, were appointed a committee to conduct Mr. Wilson to the Chair.

Mr. WILSON, on assuming the chair, said:

Gentlemen of the Convention: I have to return you my thanks for the honor conferred upon me, and say to you that I shall endeavor to discharge the duties of the position you have assigned to me by a unanimous vote, to the best of my ability. I hope, gentlemen of the Convention, that our proceedings here will be characterized by forbearance and moderation, and that whatever may be done, may be done, as I know it will be, with a view to tranquilize the people of Missouri. With these views and brief remarks, I announce that the office of Vice President is now vacant, and I presume the next thing in order will be to fill that place. Nominations for that office are now in order.

Mr. TURNER nominated Mr. Welch of Johnson.

Mr. MEYER seconded the nomination.

The nomination was made unanimous.

Mr. PIPKIN announced the absence of two members of the Committee on Accounts.

The Chair added Messrs. Foster and Donnell to the Committee.

Mr. TURNER offered the following:

Resolved, That the office of Doorkeeper of this Convention be and the same is hereby declared vacant, and that the Assistant Sergeant-at-Arms be required to attend to the duties of said office.

Mr. KNOTT. Before the vote is taken on that resolution I desire to be more fully advised as to the propriety of these proceedings. We are told that we have a Sergeant-at-Arms and an Assistant Sergeant-at-Arms, and that we must dispense with the Doorkeeper in order

to keep the Assistant Sergeant-at-Arms. Why not dispense with the supernumerary Sergeant-at-Arms if we have to dispense with any officer at all. A Doorkeeper is required and is necessary, I believe, in all deliberative assemblies. Mr. Anderson was regularly elected at the last session of this body, and every member of this Convention can bear testimony to the urbanity of conduct and promptness with which he discharged every duty appertaining to that office. Yesterday he appeared here promptly at his post; the Sergeant-at-Arms, however, is absent, and his Assistant was assigned to discharge his duties. Now, where is the propriety and necessity of taking this step? Here is an officer legally elected and regularly and promptly at his post. Why turn him out in place of an officer derelict in his duty and absent from his place? I see no justice or propriety in this step. I may be permitted here to remark, that since this Convention adjourned last spring our worthy Doorkeeper has met with a sad calamity. He has been bereft of the means of making a living. He has been thrown upon the world, and why now deprive him of the little post he holds here in this body. I hope the Convention will not adopt that resolution.

Mr. Stewart. I suppose that this Convention never would have met had it not been to carry out a great object. I suppose we never should have convened here had not our State government expatriated itself. The State of Missouri ought never to have gone into a revolution; but since the revolution has been inaugurated by our State government, we must take things as they are, and meet that revolution in the right spirit. I take it for granted that this Convention is the people of the State, and can amend the State Constitution. We have no Governor now, no Lieutenant-Governor, no Speaker of the House of Representatives, because they have all participated, more or less, in this revolution and expatriated themselves. What applies to them applies with equal force to our Doorkeeper, who, as I am told, has put himself on the side of the revolution, and must, therefore, take the consequences. He should not continue our officer. I am in favor of the resolution.

Mr. Turner. At the last February election the State of Missouri decided that she was loyal to the Constitution and Government of the United States by a majority of eighty thousand. I have seen no evidence of a change in the public mind since that time.

This Convention, when it first assembled, selected persons for offices who were supposed to be Union men. The present Doorkeeper was elected as a Union man. Since that time I understand he has been publishing a newspaper, and has been advocating the damnable heresy of secession. He has thereby made himself in part responsible for the condition of things that our State now witnesses; and, sir, because of that fact, and believing that the people of Missouri are still loyal to the Constitution and Government of the United States, I do not consider it is proper to continue him as an officer. I would say, in addition, that the Sergeant-at-Arms is not present, but that the Assistant Sergeant is competent to perform both his own duties and the duties of a Doorkeeper, and that in point of economy the Convention will gain by the adoption of the resolution.

Mr. Wright. I voted against declaring the President's office vacant, because I thought it was setting a bad precedent. I know but one such, and that recently transpired at another Capital. I thought it an extraordinary proceeding that a man should rise in a body and declare an office vacant without the pretense of a reason or cause for it—without the remotest investigation or examination—without the slightest inquiry into the question whether the man had done anything inconsistent with his pledge. As my honorable colleague from St. Louis, who offered the proposition to vacate the President's office, thought the claims of his motion were self-evident, and therefore did not choose to prove them, so did I think that the negative vote was a self-evident right, because, notwithstanding the revolutionary condition of the mind all over the United States, I had supposed there were some landmarks yet that could be seen amidst the general deluge, and by which we could steer aright. I supposed when he offered his resolution, he did it in part upon the ground that the President of the body was absent, and not ready to perform his duties; and until now advised, I had supposed that this, our honorable Doorkeeper, was likewise not present, and that possibly the inference might be drawn that his office was vacated simply because he was not here to perform his duty. But I infer, now, that Mr. Anderson is here ready to perform the duties of his office. The gentleman who offered this resolution gives us, as a reason, that at an election in the early part of the year, Missouri declared her loyalty to this Union by a vote of

80,000. Well, she did, and I believe that Missouri is loyal to the Union this day, if by Union you mean a Union founded upon a written Constitution; if by Union you mean the embodied thoughts that constitute the glory of America; if by Union you mean such a distribution of power as never was made before in the world, and I fear never will be made again; a Union whose government is divided into certain distinct departments, each deriving its power from the people as trustee, each limited in the exercise of this authority, and under special obligations to act within certain limits in every exigency, whether of peace or war. If you mean a Union founded upon American ideas alone, the ideas embodied in the Constitution of the United States, Missouri is loyal to the Union to-day. But, if you mean a Union without the principle of vitality that constitutes its life and power; if you a mean a Union that means merely an aggregation of men or States, without a vital principle of liberty which makes it sacred and holy, I cannot hope there is one Union man within the limits of the State of my adoption—not one. I trust the people of the State are not for a Union which is dead. I trust they are not for a Government that will disregard all the living principles of American liberty and all the maxims and inculcations of every bill of rights which can be found in America—those rights which constitute the charter of American liberties here and in every one of our sister States. The Union without this vitalizing principle, instead of being the best Government in the world, becomes the meanest in the world.

But, sir, where is this thing to end? There are other gentlemen absent, and is this sort of proceeding to stop with our honorable President and humble Doorkeeper? or is a dominant majority to rise and say, "*I* demand that the gentleman's seat from St. Louis, or the gentleman's seat from New Madrid or Cape Girardeau be declared vacant."

Is there to be no stop to this proceeding? Are you to empty seats by your fiat in the shape of a declaration that they are vacant—without investigation, without cause? If so, the sooner it is known the better. Let it be done! A voice from Buchanan (Mr. Stewart) says, "We are in revolutionary times," and so we are. But does he mean by that, that when in such times, we can do as we choose, overthrow the Constitution of our country, and every principle which makes a government sacred and holy? Are we to be in the midst of a despotism—for the definition of that, I believe, is the power in the dominant party to do whatever his caprice may dictate? I know we are in revolutionary times—no man can shut his eyes so tight as not to see that there is a revolutionary Administration in the City of Washington—that Congress is a revolutionary body—that it has outraged every living principle of the Constitution. The candid portion of that body ignored the Constitution upon the ground that the exigencies of the times do not bind them down to any principle. Are we, too, as a Convention of the people, to lose sight of all landmarks? Are we to throw everything overboard? Are we to be governed by no law but the law of discretion? Does a majority of this Convention consider itself so powerfully armed, that after its consultations at night, it can come into this Hall of Representatives and just issue its decrees as the Assembly in France, or any other revolutionary tribunal? Is there no decent respect paid to the rules of proceeding, and are officers and members to be ousted from this hall without having even been examined? How do these gentlemen who would exercise such a power get their seats on this floor? By the voice of the people. How do the men who are sent away by their fiat get *their* seats? Also by the voice of the people. When did the people determine that one set of their agents shall vacate the seats of another set? Where is your title by which you claim to have more right to hold your seat than I to hold mine?

Now, sir, it is an indifferent thing to me whether you vacate the post of Doorkeeper or not; but there must have been some design in this movement, because it is followed up by the proposition that you are not to fill the place which you have vacated. Now, it is well in the beginning of our deliberations to know what sort of rules are going to govern us. Are we going to be governed by the law of the land? Is that to be our rule, or is the rule of our action to be the despot's plea—the plea in the mouth of every tyrant that ever sat upon a throne, or rose to encumber the earth with his weight—the plea of the assassin. Mr. President, you never saw a body of men in your life that was not by the necessity of things under the domination of law. There never can be such a condition of the people of America as to banish the reign and dominion of the law of the land. War has its law and peace has its law, and the transition period from peace to war has its law likewise. This body must be

governed by law, and this is not the law which rests in the discretion of a numerical majority. The law of this Convention is not the law which enables the majority to do what they please. Its members are the representatives of the people, and they must act in obedience to the principles which constitute us a people. Is the idea to be that every declaration of a vacancy by a majority here, rests upon the ground of some conduct in the individual who has forfeited his seat? If so, there should be investigation. There is no such thing as condemning a man, legally, without first examining into his guilt. The right of examination, before sentence of guilt is pronounced, is as old as American institutions. Nowhere in America has the principle ever been ignored except here, to-day, and at Washington in the Congress, a few days ago; and it gave me pleasure to find partisan men in that body, Republicans, heated partisans who are engaged in this conflict—this war of extermination and subjugation of nine millions of people of the United States—shudder at the motion of our Representative from St. Louis, and refuse to declare a seat vacant without examination. There was a dominant majority, but I believe forty-five members of the present Congress refused to act upon the idea that a minority in a deliberative body are subject to the will and caprice of the majority, even so far as their continuance in that body is concerned. I confess my utter amazement that this bad precedent, set in bad times, should be followed with such swift alacrity here. It is perfectly manifest that if the post of this Doorkeeper and the President can be vacated by a dominant majority here, the power may fall upon you or me, or anybody that the majority sees fit to deprive of his seat. All I have to say is, that if these decrees and fiats are to go forth by a numerical majority, and I am at any period of time to be one of its victims to go to the guillotine, I want them to do it quickly, because I feel sure, sir, that nothing that is done by this Convention, no matter what its action or non-action, has any more effect upon the condition of the people of Missouri than the sprinkling of flour upon a dead horse with the view of revivifying it. The people will be amused, while they cannot be mocked by any temporizing efforts of this Convention to calm the troubled waters of this State. It is nothing in the world but an issue of the bayonet. The law of force will determine our destiny, and I do not care much about which way it works and which bayonet governs. While we pretend to crush rebellion against the law we are transgressing the law and setting it at naught, so that the very victory which we may win, will prove the greatest calamity that has ever befallen us. I said, in my remarks delivered at the former meeting of this body, I feared there was a great, stupendous national suicide about to be committed. I hoped then, from my heart and the instincts of my nature, that such a calamity would be prevented. But the deed has been done—the suicide is committed. America has destroyed herself, and every move she now makes is like that of the strong man, who, being once engulphed in an abyss of destruction, sinks deeper and deeper as he proceeds. The Union is gone, and the great effort of the day seems to be to apply the vulgar remedy of physical force in order to produce a resurrection against the philosophy of the human mind and the experience of history that force never accomplished a triumph in this world, and never will so long as the voice that spoke at Calvary is a bigger voice and more potential in the moral and intellectual world than the clash of arms and the roar of artillery. I repeat it, that the grand madness of the times is to suppose that any remedy can arise from the use of force. I think I will have the right to say that, because the resolves of this Convention showed the concurrence of ninety-eight minds upon that proposition. Every man in this Convention, by his solemn vote but a few months ago agreed that war would dissolve this Union by an inevitable, inexorable logic. Every man has so voted; and now what has transpired between then and now, to make this very thing of force a remedy for any ill on earth? Suppose eighteen States should slaughter fifteen? Suppose every river should run red with blood, and every hamlet shall smoke in conflagration, and every home be desolated, and every field be made a graveyard, what good will it be to the victors? Surely, their condition will be no better than the condition of those whom they destroyed. Baker in the Senate, and Hickman in the House, have expressed sentiments characteristic of this intense feeling of war and its inevitable consequences. Hickman says that Government must convert the warring States into military provinces; and Baker declares that if five hundred million won't accomplish the object, they will vote twenty-five hundred million, and if five hundred thousand men are not enough, they will call out twenty-five hundred thous-

and. And what are these statements made for? Why, to show there is pluck in the North. Was there ever such madness in the world?

But, sir, I am going out of the sphere of the resolution, and I do not wish to do anything out of order, because I am an advocate for law and constitutional liberty—American liberty. I would swear to support the Constitution of the United States every hour, and would be willing to let men who have not the authority administer it to me, provided the condition was thrown in that the President and every member of the Cabinet should take the oath every morning, and be instructed, in the first place, what the Constitution means. Why, our very Administration, the heads of our Government, have committed, and are daily committing direct and palpable violations of the instrument. What a mockery it is that every day the President should give new sanction to the raising of armies and navies which he has no power to raise; that under his sanction battles should be fought and the money of the people taken out of the treasury; that courts should be defied and defrauded, and the power of the judiciary usurped, and the commercial power of the nation monopolized; that all this should be done while he sends out his subordinates all over the country to take men in their beds at night and administer the oath of allegiance. Why, if President Lincoln and the Cabinet can violate that oath, cannot you and I do it? But what sort of moral results will spring from a forced administration of the oath by the minions of the Administration, and what will be its influence when every man knows that the highest functionaries in the land daily violate it? and when even such a man as Horace Greeley, (whom I grant to be sincere, though sadly in error,) is bound to confess that Mr. Lincoln has not taken one legal or constitutional step in this whole matter; that Congress has no right to violate the Constitution, and does not therefore possess the power to legalize his acts. "But what shall be the consequence?" says Mr. Greely; "I grant that if Congress attempts to justify the acts of the President, *they* violate the Constitution, and I say Congress ought not to do any such thing, but resolve themselves into a National Convention, and do whatever the exigencies of the times demand." There is honesty and candor at least, no matter how much error is involved in the proposition. Now, sir, if you mean by Union men, men who endorse that state of things—men who would approve of the President and Cabinet violating the Constitution whenever they choose—so help me God! I am not a Union man; and I trust the people of the State are not, in that sense. Sir, whenever it comes to that, that the Stars and Stripes, which were so patriotically dedicated to us yesterday, under such inspiring auspices, by a body of men who derive their name from a word so dear to the heart of every patriot, particularly in revolutionary times, when we would throw every guard around our homes, viz: HOME GUARD, I say, when the Stars and Stripes are used as the emblem of such a principle, I will not be found enlisting myself under it. "Home Guard" will be a cherished word, a household word in Missouri, rest assured, and especially in the city of St. Louis. For they, when other men were denied the luxury, got arms and then used them. They have killed about fifty of us in St. Louis, and some graves are very small, and if you examine closely, there will be found some women's graves among them. Now, when these gentlemen concluded to present to this Convention a banner, there was a great deal of poetical justice in the preparation; therefore, I was pleased, and my soul was kindled with a lively emotion, when I heard my colleague talk about the fact that such a presentation, coming from such as they, moved his patriotic heart.

I do not know, sir, but what I am an old fogy. I am attached to the Constitution of the United States—I am attached to the doings of our forefathers who framed it. They knew, that favorably situated as we were, there might be insurrections, rebellion, invasions by Indian tribes or foreign powers; but they provided for all such contingencies and laid the foundations of American prosperity deep in the Constitution they made. They were jealous ever of executive power. They put it under limitations and declared that the military power should ever be subject to the civil authority, and that ——

Mr. SMITH of Linn. I call the gentleman to order. I consider it inconsistent with my sense of duty toward myself and country to listen to the arguments of the gentleman.

The CHAIR. Will the gentleman state his point of order.

Mr. SMITH. There is a resolution before the House declaring the office of Doorkeeper vacant. I understand that the gentleman rose to address the House upon that resolution.

He has scarcely touched upon it, but instead of that is addressing the House on national politics.

Mr. WRIGHT. Of course I desire to conform myself to the rules of the House; I have thought that, as the gentleman who offered the resolution based its expediency on the ground that the present incumbent was not a good Union man, I might consider the question of who is a Union man, and who is not. This would, of course, lead me into the discussion of national politics.

The CHAIR. I think the gentleman is in order.

Mr. WRIGHT. Sir, I supposed my remarks would fall unpleasantly in some quarters, but inasmuch as the question of loyalty in regard to this Doorkeeper has been raised, I think I am in order. Suppose that gentleman is for secession, are you going to vacate his office on that ground? Suppose the worthy President of this Convention was an advocate of secession—which I am not, and I want you to understand it, and especially the gentleman who feels uneasy under my remarks (and I would merely say that he is not bound to hear them unless he desires)—suppose the Doorkeeper believed in the doctrine of secession. We had some members of the Convention who openly proclaimed that doctrine, and we had to meet it, and we thought in those days we could meet them by argument; but now we meet them in another manner, and we say this man shall not be a Doorkeeper in the house of the Lord under this new dispensation. Are you afraid of hearing a man talk secession? I am not. Secession is (I am too polite to say a damnable heresy) outrageous and inconsistent with all idea of government. No man is more opposed to secession than I am, but I am not a bit more opposed to secession than to the power at Washington, backed by the people of the North, which is outraging the principles of the Constitution, trampling under foot and extinguishing every light of liberty in this land.

Mr. STEWART. If we are going into a general political discussion, Mr. President, I hope you will give us all a chance.

Mr. WRIGHT. My remarks are not political, but philosophical. I am opposed to secession, because it is against the Constitution of the United States—because it is against the vital principles of our Government, and because it will make our Government not a Union as it was designed, but a mere rope of sand, a thing to be dissolved at pleasure. I am opposed also to any body of men, whether at the City of Washington or elsewhere, who are against the Constitution of the United States and the essential principles of American liberty. Now, Mr. President, of course my solicitude arises for the Doorkeeper. I think if he has done anything wrong, there ought to be an examination. It is a duty we owe to ourselves as patriotic and law-abiding citizens, and especially the duty of every man who says that he is a loyal citizen, par excellence.

This man published a paper advocating the 'damnable heresy of secession," and I think he did wrong, but we have other papers well calculated to meet him in debate. I suppose this man's paper was destroyed by the same spirit which stifled a press in St. Louis, because it advocated doctrines not harmonic with the views of those who destroyed it. A greater outrage has never been committed in America. Why, gentlemen, brother lawyers and statesmen—if I may consider myself so—are you familiar with the history of England in regard to this matter? What King of England, what minister or ruler in England, has for one hundred and fifty years dared to attempt to muzzle the press? In all times of troubles in Ireland, the most unhappy, ruined, and oppressed people, rising up from oppression, under the very instincts of human nature, but bayoneted and kept down by the power of the British throne, in all times of the Chartists and of the struggling bodies England has had to contend against—during the French revolution, when thrones rocked under its mighty throes—no man in England talked about seizing type or muzzling the press. Never! They have got another way of doing things there. If a man utters something derogatory to the government or the crown, he is indictable for libel, and they try him in the courts, and if guilty, they punish him; but the statesman in England, who should talk about muzzling the press, or destroying a paper because it uttered sentiments at war with the views of the crown—that man would be hurled, by the universal indgnation of Whig or Tory, from his seat, and would have to give up the seals of his office. The man in England who should attempt to suspend the *habeas corpus* would be met with universal indignation, because every man who knows any thing about it, knows that the King himself cannot suspend the *habeas corpus*, and that any man who should attempt to violate the *habeas corpus* would place

himself beyond the pardoning power of the crown.

Is it necessary for us, let me ask, in order to meet the doctrines of secession, that a Doorkeeper should be expelled from this body?

Mr. STEWART. No man is more disposed to hear the gentleman than myself, but I des re to ask him whether he calls all men Lincolnites because Lincoln happens to be President?

Mr. WRIGHT. Oh no, I don't say that; I was talking about loyal men. I had great hopes of Mr. Lincoln—I expressed them, and have my recorded evidence to that effect; and I had hopes of the Republican party. At another time I may show why I had grounds for hoping; but those hopes are gone; just like our country; the Constitution is gone, the Union is gone, and the only practical question is, what is best for us poor, disjointed and disintegrated people to do? We are like shipwrecked men at sea, with hardly a plank upon which to float. The shipwreck is inevitable, and the only question is our personal and individual safety.

There is censorship upon the press in France, but even Imperialism will not suppress the types. If it takes exception to an article there are penalties of fine and imprisonment against the publication of that article. But the jurisconsults here—men who cannot speak our own language—declare that the remedy is to suppress the paper; and my friend, the mover of this resolution, has enlarged that code of remedies by declaring that the proper remedy in this case is the expulsion of the Doorkeeper. Probably the jurisconsults outside suppressed his paper, and they may have burnt his house and destroyed his types.

Mr. President, I have occupied your time and that of the Convention much longer than I expected, and longer than I am sure is agreeable to you. But I cannot help that. I must speak what I feel, and what I believe to be true, even if it falls harshly upon the ear of a friend. Well, now, there is this gentleman Anderson; he says that "the Federal troops completely destroyed my newspaper office, and my loss is six thousand dollars." Well, my dear sir, you are one of the martyrs. It is a consolation which misery has, that you are not alone. You are only one of the noble army of martyrs—a body almost as large as the noble army of contractors which follows the Federal troops with an instinct as sure as that which carries the vulture to the plain. This man has been punished to the extent of six thousand dollars, for using a constitutional right—a right which was guaranteed in the Constitution soon after its adoption, and a right which our ancestors designed should be held sacred from outside interference. Yet in these later times, statesmen, trained and educated in the lessons of the political wisdom of the camp, under the inspiration and glare of swords and bayonets—these jurisconsults of later days—hesitate not to overstep the limitations which our wise forefathers placed around that provision of the Constitution which gave to this man the right of a free press.

As the gentleman from Buchanan has said, we live in revolutionary times; we have evidence of it every day. I have in my mind a military chieftain, who is engaged in this wicked and unholy war, which has resulted in the greatest suicide the world has ever seen. He is a Colonel, and commands at intervals at the Arsenal. He captured, by a gallant and most brilliant exploit, Camp Jackson. I have seen his daguerreotype since then. My poor face once had a central place at a daguerrean room; but that was before the war broke out. Since then the daguerrean has taken out my face and placed in its stead that of Colonel Frank Blair. I have not seen him since the war. I have heard that he fought at Boonville, and fought gallantly, and that he killed some of the people of this State who may have voted for the members of this Convention. I remember, likewise, having heard, that he has distinguished himself as a civilian, as well as a military officer. There is an inexhaustible fund of genius, which has been exhibited since this war has commenced, that gives new lustre to the character of our people. This gentleman, of whom I have been speaking, fights his battles, and then goes to Washington and takes his seat. He makes war in our own State, and never had any legal *status* in the militia—was never in the service of the United States; for no man can be in the service of the United States unless he is at once subject to that admirable code of the law martial—not martial law—called the rules and regulations of war, designed to regulate the war power at Washington; for it will not do to let the military power go loose and do what it chooses. And therefore there is a code called law martial, to provide what shall be the conduct of every man mustered into the service of the United States. But our distinguished civilian and military hero, with an ingenuity worthy of admiration of a certain

sort escapes the rules and regulations of war and the Constitution of the country, and puts himself in the position of an outside assassin. I mean what I say. Doubtless he would think it was very honorable, and the men engaged in breaking up the Constitution of the country doubtless think they are honorable men. I say this distinguished military man can be indicted—not only can be, but ought to be—for killing citizens of this State. Sir, these horrid aspects of the times show how far we have drifted from our moorings. There is another man, not born in this country, but in a foreign land; but that is no objection. He can slaughter and he can brew beer; he can not only be manager of a theatre, but he can be Colonel of a regiment. He can be Governor *de facto*. He can seize the archives of the Capitol, and can post soldiers in your seats. He can give us a new *magna charta* and a new Bill of Rights and Constitution for the State of Missouri.

[The speaker here read from a card as follows: "Pass member of Convention, during its sitting, into the Capitol."]

He continued: The gentleman to whom I owe the right to come into this Hall, and from whom I have received this card, would not, perhaps, have presented it to me, had he known I was going to make this speech. I believe he lives in Illinois, and I feel exceedingly grateful to him for the privilege he has here granted. I am in a city, and liable to be shot down, even if a man cracks his whip, and may need this charter of my liberties—this plank from the shipwreck of the times, as the means of rescuing me from surrounding danger. I do not know what this humble Doorkeeper thinks; but if he thinks as I do, I am ready to give the proudest vote of my life to retain him. I stand by the Constitution of my country. You know I gave the first honest blow against the South, and now you shall hear me give a blow against the North—honest, also, whether weak or strong. For these reasons, among others that are rushing into my mind, and are clamoring for utterance, as a Home Guard clamors for arms, I shall oppose the resolution.

I shall also oppose it for another reason, viz: that if gentlemen here in a majority can do what is here proposed, they can take every exceptional member of this body and serve him the same way. If they have so resolved, if this is the determination, why, in all manliness and brotherhood—if you can call each other brothers—say so. Then you will see the philosophy which a man can exhibit. I do not know whether it will be a spectacle for the gods, but it will show the virtue and philosophy of resignation.

Mr. Stewart. I admit all that the gentleman has said about government and philosophy, but at the same time I think this Union is a fixed fact, and that the conspirators against it will get whipped. I think, however, that we have no State government here to-day at all, from the fact that it has run away, and that it is our duty to go to work at once and meet the exigencies of the case.

Mr. Henderson. I rise for the purpose of making a motion to refer the resolution to a committee. I really do not know the merits of the resolution, nor the reason that prompted the gentleman who introduced it. I suppose, sir, from the remarks that he made, indicating that it was in consequence of the political opinions or views of the Doorkeeper, that even in his own view of the case, it would be proper to refere it to a committee, and I rise for the purpose of making that motion, and thus let the committee investigate the matter.

I must express some astonishment, indeed, at the remarkable speech made by the gentleman from St. Louis, upon the resolution introduced by my friend Mr. Turner. I really see nothing in the proposition itself to have called forth the remarks that were made. There is, to be sure, a great deal of ingenuity in the line of argument made by the gentl man from St. Louis. The proposition, as I understand it, is simply to vacate an office and impose the burdens imposed upon the Doorkeeper upon another officer selected by the Convention. The gentleman immediately becomes extremely excited in consequence of this proposition, and says if we have the power to do this thing, we unquestionable have the power to turn him or any other member of the Convention, out of his seat.

Mr. President, this is no proposition to expel a member elected by the people. I do not understand this to be the proposition to expel any member who has been sent here by his constituents to discharge duties on this floor—not by any means. If a proposition of that character had been made, I apprehend no vote would have been cast for it. I do not see any cause for uneasiness on the part of the gentleman from St. Louis. I can assure him of one thing. I do not know what may be the views or feelings of other gentlemen upon this floor,

but I do not desire to prejudge any man's case nor am I disposed, no matter what may be the expression of opinion of gentlemen upon this floor to expel them, even if the proposition were made to vote for expulsion. The members of the Convention were sent here by the voice of their constituents to represent them on this floor, and they have a perfect right to express any opinions they choose; but I wish to say that so far as I am concerned, if I believed there were any offices whatever upon this floor occupied by men who have forfeited the oaths they took to support the Constitution, and who have seen fit since that time to take up arms against the Government, and are in open rebellion against it, I say for one I am perfectly willing to vacate their offices. I am willing and ready to take the responsibility. The gentleman says he is against secession, and that his constituents are opposed to secession, and that it is a heresy—he will not call it damnable; but I notice one thing, that in the lengthy speech he made, he indulged in nothing but a tirade of abuse against the Government of the United States, or rather against the Administration, and that the attempt to put down this rebellion is characterized by him as a violation, on the part of Lincoln, of the Constitution of the United States. I am no advocate of Lincoln's Administration; I am not responsible for his election in any degree; my vote was cast against him; and I do not appear here as the advocate especially of Lincoln or his Administration. I am not consulted, and do not desire to be consulted, in reference to the action of the Administration. I have no advice to give the Administration; but one thing I will say, that it is remarkable that the gentleman from St. Louis finds nothing on the part of the Government in the whole course of this rebellion to commend, but everything to condemn. It is a little remarkable, when these forts and arsenals and public property of the United States have been violently taken—notwithstanding the system of guerrilla warfare which has been inaugurated in our own State, and men have been assassinated in their own homes—notwithstanding every act from the beginning of this rebellion up to the present day has been in open defiance to the Constitution of the United States—that notwithstanding every progressive step it has made has been marked with violence of the grossest character to every principle of our Government—it is a little remarkable that it could find in the gentleman's estimation no condemnation whatever. I suppose he left it to the inference of the members of the Convention that inasmuch as he was opposed to secession, we would infer his condemnation. Now, I am not disposed to enter into a discussion of these matters, but I regret that the gentleman who has left upon the record of the last sitting of this Convention, evidence strong and indisputable of his Union views—I exceedingly regret that, upon a mere motion of this character, he should have seen fit to make the speech he did.

Mr. Wright. I made it for the very reason that I believed debate would be trampled upon, and I thought I would avail myself of the opportunity to present a skeleton of my views before debate was suppressed.

Mr. Henderson. I will state to the gentleman that so far as that matter is concerned; so far as any effort shall be made by Union men to gag individuals who may desire to indulge in a course of remark such as he has indulged in, I, for one, shall extend to the gentleman every opportunity to say whatever he may choose, or any other gentleman; I shall not attempt to trample upon the right of any individual, but shall give every gentleman upon this floor the right to indulge in whatever course of remark he may see fit. Now, having said this much, I desire to say the great error of Mr. Wright is this: Anderson was not elected as a member of this House, and if we declare his seat vacant, we are not casting any reflection upon his constituents; for, in the name of Heaven, what constituents elected him? Why, then, does Mr. Wright fear that the next man selected would be himself? There need be no fear of this. Why, then, go out of the line of remark or argument in order—no, not in order, but certainly having a bearing in that way—to show that the Union men intend to clean out all those who do not agree with them. I do not desire to prejudge Anderson's case, as I have said. I know not what he is, and I care but little; but I am prepared to say that if he has been in rebellion against the government of the United States, and it appears upon examination that he has had arms in his possession and committed overt acts against the Government, I am ready and prepared to vote for his expulsion.

Mr. Gantt. I do not intend to answer the speech of the gentleman from St. Louis, (Mr. Wright,) in detail, because according to my own sense of what is in order, he was entirely out of order, and because I choose to express my views upon the motion of the gentleman

from Laclede, (Mr. Turner,) without any such extraneous remarks and considerations as those interlarded in the speech of the gentleman from St. Louis. But I desire to say, Mr. President, that I have no such sentimental love for the Constitution as would lead me to stand by and see it overthrown a dozen times by the hand of rebellion, rather than take any step for its defense, which may be pronounced by astute criticism as a violation of some of the technical forms prescribed by law. I hold, Mr. President, that the right of self-defense on the part of nations is as inherent as on the part of individuals; and he who would stand by and talk carpingly at the steps made to protect the Government or Constitution, when assailed with the most unscrupulous disregard of everything which has the remotest analogy to the law and the Constitution—he who would do that is a sentimentalist with whom I have no sympathy or affinity, and I thank God for it.

The motion made by the gentleman from Laclede is this—that the Doorkeeper be dismissed from office. The reason for it, I understand, to be this—that the Doorkeeper was elected in March last by a body composed of Union men, who testified their loyalty to the Union by enacting measures intended to promote the general welfare of the State of Missouri to the Union—that he was elected by a majority of Union votes, and that he has since the adjournment of this body edited a paper in which he has advocated treason. We have no punishment for sedition or political libel. That I presume the gentleman knew very well when he referred to the remedies which under circumstances having no analogy to this, recourse would have been had. Now, I do not say that to advocate treason is an offense punishable by law. Unfortunately it is not. It would have saved a great deal of crime had there been such a law upon the statute books. Therefore, I do not propose to punish any one for such offense; but this I say, that when one of our ministers or servants is found guilty of advocating treason, we ought to purge this body of his presence. He must not sit within it or have anything to do with it. It is for this reason, and for this alone, that I propose to vote for the resolution. I understand the fact to be as notorious and easily provable as any matter can be. I understand that the fact I have spoken of is as notorious as the crime of which the late President of the Convention was guilty. That is the reason why I shall vote for the resolution. The gentleman said that a press was suppressed in St. Louis because they advocated a course not harmonic with this Administration. Does he mean to say that the course advocated by that press was one which was in sympathy with his own?

Mr. Wright. No, I do not, sir.

Mr. Gantt. I am glad to hear it; I am glad to hear that he says that press was not sympathetic with his own views.

Mr. Wright. I said harmonic. It did not harmonize with my own views, but I had some sympathy for the things it advocated.

Mr. Gantt. Does the gentleman then sympathize with the course of that paper?

Mr. Wright. I hardly know. This much I will say: I looked upon the course of that paper with a mixture of approbation and dissent. I looked upon it as upon most things, for I can hardly say that anything meets my entire approbation; but in so far as it condemned the idea of making an exterminating war upon the people of the seceding States, in that respect my opinions were harmonic with that paper and intensely sympathetic.

Mr. Gantt. I perceive, then, his sympathy for that paper is infinitesimally small, for an infinitesimally small part of the business of that sheet was the advocacy of any such views. The tendency and daily business of that paper was to coin and propagate the most atrocious lies. I say that paper was the inventor and propagator of falsehoods so atrocious that Baron Munchausen is outdone by them, with this difference, that the falsehood of that eminent romancer was for the purpose of amusement, but in this case it was prompted by men having the most wicked, atrocious and seditious intentions that could possibly emanate from the blackest heart that ever beat in a human bosom. I do not intend to go into a general answer to the remarks of the gentleman, because in so doing I could not keep within the proper scope of debate. I shall vote, however, to vacate the office of this man, because he was elected under Union colors, and he has shown himself to be a disunionist; because he was elected as a Union man, and he has shown himself to be a traitor, or traitorously inclined, at least, and the Convention ought to purge itself of every such officer.

The motion of Mr. Henderson to refer the subject to a committee of three was sustained.

Messrs. Henderson, Marmaduke and Broadhead were appointed as the committee.

Mr. Broadhead offered the following:

Resolved, That a committee of seven be appointed for the purpose of reporting what action is necessary to be taken by this Convention in the present condition of public affairs in Missouri.

Mr. GANTT moved to amend by striking out "appointed" and inserting "elected by the Convention." Accepted and adopted.

Mr. WELCH moved that one member be selected from each Congressional District. Motion sustained.

Nominations being in order,

Mr. BRIDGE nominated Mr. Broadhead for the First District.

Mr. MARMADUKE nominated Mr. Wright.

Mr. WRIGHT declined.

Mr. BROADHEAD'S nomination was made unanimous.

Mr. ZIMMERMAN nominated Mr. Henderson for the Second District. Nomination made unanimous.

Mr. SMITH, of Linn, nominated Mr. Tindall for the Third District.

Mr. TINDALL declined.

Mr. GORIN nominated Mr. Wm. A. Hall for the Third District.

Mr. TURNER nominated Mr. Foster for the same District.

Mr. FOSTER hoped his name would be withdrawn. Mr. Hall was a good Union man.

Mr. TURNER withdrew Mr. Foster's name. Mr. Hall was chosen.

Mr. MCFERRAN nominated W. P. Hall for the Fourth District. Agreed to.

Mr. WELCH nominated Mr. Douglass for the Fifth District. Agreed to.

Mr. ORR nominated Mr. Hendricks for the Sixth District. Agreed to.

Mr. MCCORMACK nominated Mr. Bogy for the Seventh District. Agreed to.

On motion, the Convention adjourned to 3, P. M.

AFTERNOON SESSION.

Met at 3, P. M.

Mr. PRESIDENT in the chair.

Mr. STEWART offered the following:

Resolved, That in the opinion of this Convention the Executive Department of this State has expatriated itself.

Mr. STEWART. We might as well come to to the main work of the session at one time as another. I offer this resolution simply to test the sense of this Convention, whether we have an Executive Department or not. My opinion upon the subject is that we have not.

Mr. SMITH of St. Louis. I move to refer the resolution to the Committee of Seven appointed this morning. Motion sustained.

On motion of Mr. Moss, adjourned to 10 o'clock to-morrow.

THIRD DAY.

WEDNESDAY MORNING, JULY 24th, 1861.

Met at 10 o'clock, A. M.

Mr. PRESIDENT in the chair.

Prayer by the Chaplain.

Mr. FOSTER offered the following:

Resolved, That the President appoint a committee of three, whose duty it shall be to take into consideration the right of WM. F. MORROW to hold a seat in this Convention.

Mr. FOSTER explained that since the adjournment of the Convention last spring, Mr. MORROW had tendered his resignation to Governor Jackson as a delegate. His constituents, however, desired him to take a seat in the Convention, but the gentleman did not desire to do so until his right to do so had been examined by a committee.

Mr. GANTT seconded the motion.

Mr. MORROW stated that he tendered his resignation to Governor JACKSON, but that official had never ordered an election, and in accordance with the desires of his constituents, he now appeared to take his seat, not desiring to do so, however, until the merits of the case had been thoroughly examined.

The resolution was adopted, and Messrs. FOSTER, TINDALL and BARTLETT were ap-

pointed as the committee.

Mr. Moss offered the following:

Resolved, That no action of this Convention for the purpose of organizing a State Government can give peace to Missouri.

Mr. Moss. I desire to offer a few remarks in support of that resolution, and in doing so I am aware it may be considered by some members of the Convention as premature to offer such a resolution in advance of the report of the committee organized yesterday. But, sir, if the position stated in that resolution is correct—that no action of this Convention can give peace to Missouri—now is the time to offer that resolution and to discuss it. The reasons, sir, if there are any which are good—and they appear to my mind to be of great force—the reasons against any action of this Convention on the subject mentioned in this resolution now would apply with equal force against the discussion of any proposition before the Convention looking to that end. Right here, sir, I would remark that while my opinion in regard to the Governor of Missouri and the men who have been co-operating with him and bringing about the present state of affairs here in Missouri for the last six months—while my opinion in reference to these gentlemen has not altered at all, my opinions in regard to the policy to be pursued by this Convention in reference to Claiborne F. Jackson and those who co-operated with him, have undergone a change within the last three weeks. My opinion is that six weeks ago this Convention, if it had been in session, might have accomplished something towards restoring peace. I believed then in re-organizing the State Government by means of an election by the people. I believed that men reflecting the sentiments of the people then would have given peace to the State, and I advocated that policy at the time; but unfortunately the thing was delayed too long, until the plans and purposes of reckless men on both sides have been carried out; for I considered that while Jackson has been the greatest curse to Missouri she ever had, he has been aided and abetted by as bad men on the other side, and, between the two, Missouri has been placed in a frightful condition—a condition in which there is no hope. At last the dreadful alternative is forced upon us of deciding the question with the sword. I am opposed to mixing up civil matters with military matters. The Governor to be elected would in fact be a military Governor, for he would have to be sustained by United States bayonets, and to the strong arm, at last, would belong the day. If the man to be placed here in the office of Governor by this Convention could hold the position by force of arms he would hold it; but if he was unable to maintain it by such force, he would have to yield it up. I believe that no action of this Convention can restore peace to Missouri, but that all attempts in that direction would only complicate matters, and I am therefore for the military, out and out. I believe now that the fate of Missouri depends upon the strength of the two armies. If the General Government have the power to put down Jackson and his followers, she will triumph; but if Jackson can meet the Federal forces successfully, the victory will rest with him. It is no use to talk about it any longer. There is no hope. There is no possible remedy. The question must be solved by the sword, and, believing that, I am opposed to any attempt on the part of this Convention to meet the troubles of the State. Now, sir, there is a great difference between the condition of the State of Missouri to-day and what her condition was when this Convention was last in session. Yea, there is a difference between our condition to-day and what it was two months ago. This war has gone on and on in Missouri until it has brought about a fearful condition of things. Men seem to forget the elements now at work in their State. They seem to dream that this warfare is between the secessionists and the General Government. Far from it. That was the issue two months ago; but I tell you now, startling as it may seem to gentlemen of this Convention, that one-half of Jackson's army are Union men. What I mean by that is, that they are opposed to Jackson to-day; that they have opposed his policy from the start, and are opposed to secession, and are opposed to the secession of Missouri to-day, and would vote against it. But it is useless to talk as to how they have been drawn into this movement, or about the events which have been transpiring in Missouri for the last two months. All we can do is to look at the fact as it exists, and there is no question as to the existence of the fact. Some of the best Union men in Missouri—old men, gray-haired patriarchs, who reverence the old Government that was made by Washington, Jefferson and Madison, and who love it—men who have fought under the stars and stripes, and who will never fight under any other banner—have sons in Jackson's army and brothers in Jack-

son's army; and my opinion is, to-day, that much of this army is composed of Union men, who are opposed to Jackson's policy and the doctrine of secession. In my section of the country, the secessionists who were so wild for having Missouri out of the Union—those who have gotten up the war, the wind and the storm—are to-day actually at home in their dwellings, enjoying their ease, while the men who have been trying to keep peace in Missouri have been drawn into the ranks of Jackson's army. Scarce a man of those who have brought about this trouble but what is at home, enjoying his ease; while the men who fought the thing from the time it was first started up to three weeks ago, have been drawn into Jackson's army. In times like these, the people go mad; reason is dethroned; and a struggle is now going on in Missouri—a wild struggle—between the intellects and the reason of the people and the desires of their hearts. There is a conflict between the head and the heart. It is not worth while, sir, to tell me that a man who is a Union man, and who is devoted to that side of the question and desires Missouri to remain where she is, is opposed to Jackson's army. It is in vain to tell me that the man who has a boy or a brother in that army can be made to take sides in this question, or to take up arms himself.

I believe, as I said before, that the best solution of this question is to leave it in the hands of the military, and let it be decided by the strong arm, for there is nothing else left.

Mr. HITCHCOCK. I do not propose, at this time, Mr. President, to take up the propositions advanced by the gentlemen from Clay, contradictory as they seem to me to be; but I wish to submit simply this idea. The position of this Convention is this: We have been called together by our own efforts to consider the state of affairs in Missouri. We have come together, after receiving from various parts of the State the earnest expression of the people's desire that we should meet for that purpose. We know perfectly well that in the anxiety, the distress which prevails throughout this State, the eyes of the whole people have been turned to this Convention as the body most directly representing them—as the body most recently from them—as the body which they have put in their seats by the largest majority ever cast for any such purpose in the State. We know that if there is any expression of the sentiments of the people of Missouri to be found, it must be found in this body, and in the wisdom which shall guide its deliberations. With that knowledge we have assembled. I will not undertake to question for a moment but that every gentleman here has come earnestly desirous to do what he can, sincerely, conscientiously, for the great interests entrusted to him. I will not doubt that every gentleman has come here feeling deeply the responsibility that rests upon him.

Now, what have we done? We have at once recognized that responsibility. We have acknowledged that duty. We have by a unanimous vote appointed a committee, whom we have nominated unanimously, or nearly so—with less objection than it is usual for such a committee to be nominated—to whom we have entrusted the inquiry: What can be done?—can anything be done? And now we are requested in the very threshold of the enterprise, in the very beginning of our duty, and when we have recognized the existence of the duty, and taken steps to perform that duty, to abandon the whole thing—that we shall go home, disappoint the people who are looking anxiously to us—home, not because we have become satisfied that there is nothing we can do, but because we choose to take for granted at the very threshold that we can do nothing at all. Sir, that is not my view of the duty which we came here to perform. I am not willing to confess judgment against the State of Missouri in the beginning. I am not willing to believe at the outset, before any plan is proposed, any suggestion is made, that there is not wisdom—that there is not patriotism—that there is not ability within this body, which shall recommend its action to the people whom they represent.

That, sir, it seems to me, is the effect of the gentleman's proposition. He has anticipated the action of the Committee, and by the very course of his argument has anticipated my objection. He professes to believe it is useless to assume a particular line of conduct, assuming that that line is what the Committee will undoubtedly recommend. Having thus set up a man of straw, he proceeds to knock it down again. Sir, who has authority to say that this Committee will recommend this course or that course? I do not know what the Committee will do, but this I do know, that I trust their integrity, their patriotism and wisdom will enable them to do what is right. I at least shall not be willing to go home without having some opportunity to ascertain through them and by the deliberations of this body whether any-

thing can be done, or if I must bear the sad message to my constituents that the people of Missouri, in the body which they have chosen to represent them, are utterly unable to devise anything; that this free people deliberately lay down their liberties and invite a military rule; it must be with some reason, some means of convincing them that the effort was made, that the inquiry was instituted, and that it is not from fear, not from apprehension and distrust which has paralyzed us at the first step we attempted to make, but after much labor, and then at last reluctantly and sadly, that we have come to the conclusion that we can do nothing at all. Sir, I believe no such thing; I believe the people of Missouri through this Convention *can* put a stop to this war—[Here the speaker referred to Western Virginia, and said that measures were being taken by the United States Government, in connection with the Virginia State Government, to withdraw the United State troops, and enable Western Virginia to govern itself.] As in regard to Virginia, so in regard to Missouri. The National Government desires that each State should be enabled to govern itself. It is our duty to attempt to secure this state of things to Missouri, and I shall at least endeavor to perform that duty. I move the resolution be referred to the committee appointed yesterday.

Mr. MARMADUKE. I desire to offer a substitute for the resolution pending. It is as follows:

Resolved, That this Convention now adjourn *sine die*.

Mr. HITCHCOCK. Is that motion in order?

Mr. MARMADUKE. I think a motion to adjourn is always in order. I desire to submit a few remarks.

Mr. GANTT. Is the motion to adjourn debatable?

The CHAIR. A motion to adjourn *sine die* is debatable.

Mr. GANTT. Then I appeal from the decision of the Chair.

Mr. BROADHEAD. I rise to a point of order. So far as the question is concerned whether a motion to adjourn *sine die* is debatable, I think my friend from St. Louis is wrong. I think the Chair has decided rightly. But I take it that no motion to adjourn *sine die* is in order pending the question before the body. I make that point of order.

The CHAIR. My opinion is that the substitute of the gentleman from Saline is not germain to the subject matter and ought not, therefore, to be entertained.

Mr. GANTT. The Chair so deciding, I withdraw my appeal. I only took it, believing that a motion to adjourn is always in order, but that one of the incidents of the motion is that it is not debatable. If the motion is made with the qualification which renders it debatable, I hold that it is not in order.

The substitute was withdrawn.

The motion of Mr. HITCHCOCK to refer, was then put and carried.

Mr. STEWART offered the following, which was referred to the Committee of Seven:

Resolved, That in the opinion of the Convention the people are present in a constitutional capacity.

Mr. WELCH offered the following resolution, which, on motion of Mr. Hall, of Buchanan, was tabled—the ayes and noes being called by Mr. Sayer:

Resolved, That the following be adopted as a rule of this Convention:

Rule Forty-eight—Every act, resolution or ordinance affecting the State of Missouri, or any of its officers, and every act, resolution or ordinance affecting the relation of the State of Missouri with the Government of the United States, or any State thereof, or any State which claims to have separated itself from the Government of the United States, shall be read on three several days and be governed in all respects by the rules heretofore adopted by this Convention; and when any question shall arise which shall not be provided for in said rules, the same shall be determined by the parliamentary law as declared in Jefferson's Manual.

On tabling Mr. WELCH's resolution:

AYES—Messrs. Allen, Bartlett, Breckenridge, Broadhead, Bridge, Doniphan, Donnell, Dunn, Eitzen, Foster, Gravelly, Hall of Buchanan, Hall of Randolph, Hatcher, Henderson, Hendricks, Hitchcock, Holmes, How, Irwin, Isbell, Jackson, Johnson, Leeper, Linton, Long, Matson, Maupin, McClurg, McCornack, McFerran, Meyer, Moss, Orr, Rankin, Rowland, Scott, Shackelford of St. Louis, Smith of Linn, Smith of St. Louis, Stewart, Tindall, Turner, Woolfolk, Vanbuskirk, Zimmerman—46.

NOES—Messrs. Bass, Bogy, Bush, Cayce, Collier, Douglass, Drake, Flood, Gantt, Givens, Gorin, Hough, Howell, Hudgins, Knott, Marmaduke, Noell, Phillips, Pipkin, Sayer, Waller, Welch, Wilson, Woodson, Wright—25.

Mr. STEWART offered the following, which was referred:

Resolved, That Missouri is in the Union, and she will stay there.

Mr. MCCORMACK offered the following, which was referred:

Resolved, That calm deliberation upon the part of the Convention will most probably conduce to the interests of Missouri.

On motion of Mr. GANTT, the Committee of Seven was given leave to sit during the sittings of the Convention.

Mr. HALL of Randolph. I wish to call the attention of the Convention to a matter that concerns myself and some other gentlemen in this body. By a resolution passed by this Convention at its former sitting, a committee was appointed to represent Missouri in the Border States Convention. It was supposed at that time that the call for such a Convention would come from Virginia, but it so happened that Virginia did not issue a call. Kentucky, however, did. Our action was to be dependent upon the fact whether or not there were delegates from the majority of the Border States assembled at such Convention. This, however, we could not ascertain until we got there, and so, upon mature deliberation we concluded it was our duty to go. We concluded that if the Convention had contemplated that the call would be made by Kentucky, they would have given us instruction to attend. We were urged by many citizens of Missouri to go, and we deemed it entirely in keeping with the spirit of the resolution that we should go. It is true, I, for my part, had very little hopes of anything being accomplished by the Frankfort Convention, but I should have considered it a breach of duty had I left anything untried to bring about a settlement of existing difficulties.

On applying to the Auditing Committee for mileage and per diem provided in the resolution, we find that they have some doubt as to the propriety of the allowance, and I would therefore lay the matter before the Convention, hoping that they will take such action as may be necessary.

Mr. MCFERRAN. I would offer the following resolution:

Resolved, That the Committee on Accounts are hereby instructed to allow to the delegates to the Border States Convention mileage and per diem, at the rate fixed by law as compensation to members of this Convention.

Mr. GANTT. I wish to say a few words in this connection, and shall then offer an amendment to the resolution. When it became necessary, in the judgment of a number of the members of this Convention, to convene this body, letters were written to the members of the committee who have authority to convene it. Many days passed without reply. It was feared that communication by mail was cut off—at least in regard to two of the committee. Gentlemen with whom ordinarily mail communication can be had in less than three days, had not received the letters at the end of a week. Under these circumstances two gentlemen of St. Louis, both of them members of this Convention, undertook to make a journey across the country to communicate with the aforesaid two members of the committee and bring back their answers. It was a meritorious and thankworthy service, one exposing them to hardships and privations and expense, of course. I can only thank them for their trouble—for their *outlay*, I think this Convention should remunerate them. They are Messrs. LONG and MEYER of St. Louis, respectively, sent to Messrs. MCCLURG and MCCORMACK of the Committee. I move, then, that their expenses be audited by the Committee on Accounts, to be paid out of contingent expenses. I will add that from some members of the Committee who were to convene this body, I received no reply at all.

Mr. KNOTT. What fund does the gentleman refer to?

Mr. GANTT. The contingent expenses of the Convention.

Mr. KNOTT. I am very anxious to pay those gentlemen, but it seems to me there is a legal question to dispose of before we undertake to appropriate money. It is a very serious question whether we have the right to appropriate money. The matter had better be referred to a committee.

Mr. GANTT. I must say, Mr. President, that I am not troubled with any such scruples as the gentleman seems to entertain. I think this Convention has very plenary powers indeed. It rests upon us to exercise them wisely, but I have no doubt as to the extent of the power.

Mr. WRIGHT. I think the legal question presented in this case is one of the very gravest that can be presented before this body. When we sat before, it seemed to be the universal opinion of the body that we have no power to appropriate money.

Mr. HALL of Buchanan. Will the gentleman allow me to interrupt him a moment? I understand that a portion of the money appropriated to pay the expenses of the Convention has not been expended. I understand there is some of that appropriation still in the treasury, and I presume, if this allowance is paid at all, it will be paid out of money so remaining in the treasury, and heretofore appropriated by the Legislature.

Mr. WRIGHT. I accept the gentleman's explanation, but must say still the matter does not seem to me entirely clear. There still seems to be a legal question. It would be pertinent to inquire whether the money now remaining in the treasury is to be divided between the members of the Convention and those who have done extra patriotic work in the country. It seems to me both propositions can only be sustained upon the idea that we have legislative power.

Mr. HITCHCOCK. I call the gentleman to order.

Mr. WRIGHT. I have as much solicitude as anybody that the money should be paid to all patriots, and especially to those who, in forlorn hope, went to Kentucky to see whether they could not lift up a great principle that would address itself more forcibly to the people of the United States than physical force. I have an honest desire to see the delegates to the Border State Convention paid. I do not think the case of the other gentlemen is quite so clear, but as I wanted to be considered as not conceding the power of this Convention to *legislate*, and as I supposed that that question would arise, I simply say that I make no further opposition. I inferred from the remarks of Mr. GANTT that he *did* suppose that the power of the Convention to legislate was involved because he had no scruples.

Mr. GANTT. Will the gentleman allow me one remark?

Mr. WRIGHT. Yes, sir.

Mr. GANTT. Well, I call the gentleman to order. The question as to whether this Convention has power to legislate has nothing to do with the question before us.

Mr. WRIGHT. Well, I am willing to be guided by the rules at all times. I wish to be corrected if I should ever, through ignorance of the rules, commit an error.

Mr. GANTT. Will your Honor inform me whether my point is well taken?

Mr. WRIGHT, (continuing.) I hope, however, that your Honor will not gratify my colleague by making any improper decisions. I shall reserve all remarks on the subject of the power to legislate to a more appropriate occasion.

After some further discussion the matter was referred to a special committee, consisting of Messrs. KNOTT, GANTT and MOSS.

On motion of Mr. GANTT, it was

Resolved, That all resolutions touching the reorganization of the State Government be reported, without debate, to the Committee of Seven appointed yesterday.

Mr. STEWART offered the following, which was referred:

Resolved, That, as a legal question, the United States and the State of Missouri will do as they please.

Mr. HITCHCOCK offered the following:

Resolved, That the State Treasurer be and he is hereby requested to inform the Convention what amount of money is now in the State Treasury, and also, as early as practicable, to furnish a statement to this body, showing what sums have been paid out of the State Treasury since the adjournment of the State Legislature at its last session, and for what purpose such payments have been made.

Mr. GANTT moved to amend by inserting "*instructed*" for "*requested.*"

Amendment accepted by Mr. HITCHCOCK, and resolution passed as amended.

On motion of Mr. ALLEN, the Convention then adjourned until 10 o'clock on Thursday morning.

FOURTH DAY.

THURSDAY MORNING, JULY 25th, 1861.

The Convention assembled at 10 o'clock, President WILSON in the Chair.

Prayer by the Rev. Mr. MONROE.

On calling the roll, seventy-nine members were found to be present.

Mr. WOODSON offered the following:

WHEREAS, This Convention having been called for the purpose of considering the relations between this State and the Federal Government, and to adopt such measures as they may think necessary for the safety of the State and protection of its citizens as shall appear to be demanded;

Resolved, That the Convention ought not to disturb the *status* of the Government of Missouri as existing at the time of electing delegates to the Convention.

Resolved, That the Convention ought not to interfere with the officers and functionaries of the State Government, as ordained by the people themselves at the ballot box, according to our State Constitution and the forms of law. That is the shortest and most practicable, humane and economical way of settling our difficulties, State and National, and restoring peace to this distracted country.

Resolved, That the Government at Washington acknowledge at once the independence of the Confederate States, and allow the Border States the right of adhering to the Northern States or uniting their fortunes with the Confederate States.

The resolutions were referred.

Mr. STEWART offered the following:

Resolved, That the present deplorable condition of our State and Union has been brought about by usurpers who have ignored their allegiance to the best and most powerful Government on earth. Referred.

Mr. BROADHEAD, from the Committee of Seven, made the following report:

REPORT OF THE COMMITTEE OF SEVEN.

The committee, appointed by the Convention for the purpose of reporting what action is necessary to be taken by the Convention on the condition of public affairs in Missouri, report as follows:

On the 21st of January, 1861, the Legislature of Missouri passed an act to provide for calling a State Convention composed of Delegates from each of the Senatorial Districts of the State; these delegates were elected on the 18th of February, 1861, by a full vote of the people of Missouri. By the 5th section of that act they were authorized to consider the then existing relations between the Government of the United States, the People and Government of the different States, and the Government and People of the State of Missouri, and to adopt such measures for vindicating the sovereignty of the State and the protection of its institutions as shall appear to them to be demanded.

If the Convention is to be limited in its action by the provisions of the act of the General Assembly, it is difficult to perceive how language could have been used which would have vested it with greater powers.

On the 28th of February last, the Convention met and was organized, and proceeded to take into consideration so much of its duty assigned by the act of the Legislature as concerned the relations of the State of Missouri to the Government of the United States, and by resolution declared "that at present there is no adequate cause to impel Missouri to dissolve her connection with the Federal Union." This duty having been discharged, the Convention adjourned until the third Monday of December, 1861, but supposing that in the threatening aspect of public affairs it might become necessary to assemble again before that time to discharge other duties, and exercise other powers deemed necessary for the welfare of the people of Missouri, whose interests had been committed to their charge, they by resolution appointed a committee to call the Convention together whenever, in their opinion, it might be deemed expedient.

In pursuance of such call this Convention is now assembled. The brief interval of time since its adjournment has been filled with the most startling events. The horrors of a civil war, inaugurated by the most gigantic and causeless rebellion of which modern history affords any example, have visited our own State. Our peaceful relations with each other and with our common Government have been

rudely broken by those who have been long plotting the overthrow of the Constitution and the disruption of the Union. We find our Capital deserted by its Governor and other high officers of State. We find that in opposition to the known wishes of the People, and in violation of their obligations to the Constitution of the United States, which they had sworn to support, they have formed a conspiracy to dissolve the connection of Missouri with the Federal Government; that in conjunction with a large portion of the members of the Legislature, they have attempted, through the forms of legislation, to establish a military despotism over the People. We find that our Governor has, by his proclamation, incited the People of this commonwealth to armed opposition to the laws and Government of the United States, and that he is now in open rebellion against that Government, and urging the People of other States and the Indian tribes to invade the soil of his own State, whose credit he has prostrated and whose property he has wantonly destroyed.

It is the duty of this Convention to do something, if possible, to remedy these evils—to restore peace to the country, and to re-establish the relations which have existed between this State and the Goverment of the United States—to consider, in the language of the act of the Legislature, in pursuance of which it was called together, "the relations between the Government and people of the State of Missouri, and to adopt such measures for vindicating the sovereignty of the State, the protection of its institutions, as may appear to be demanded by the occasion." In the measures proposed by this committee, they invoke as a warrant for their power, not only the plain provisions of the act itself, above referred to, but also the provisions of the thirteenth article of our State Constitution, which declares,

First, That all political power is vested in and derived from the people; and,

Second, That the people of this State have the inherent, sole and exclusive right of regulating the internal government and police thereof, and of altering and abolishing their constitution and form of government whenever it may be necessary to their safety and happiness. In this Convention, the most radical and elementary form in which the people can give expression to their sentiments, rests not only the power but the duty of taking such action in the present disordered state of affairs as will be most likely to secure their safety and happiness. We therefore submit the following propositions:

The people of the State of Missouri by their Delegates in Convention assembled, for the purpose of protecting the institutions of the State, do hereby ordain the following as amendments to the Constitution:

First, That the offices of Governor, Lieutenant Governor, Secretary of State, and members of the General Assembly, be and the same are hereby vacated.

Second, A Governor, Lieutenant Governor, and Secretary of State, shall be appointed by this Convention, to discharge the duties and exercise the powers which pertain to their respective offices by the existing laws of the State, and to continue in office until the first Monday of August, 1862, and until their successors are elected and qualified.

Third, On the first Monday of August, 1862, a Governor, Lieutenant Governor, and Secretary of State, shall be elected by the qualified voters of this State, to hold their office during the term for which the present incumbents of said offices were elected.

Fourth, That the fourth section of the fifth article of the Constitution of the State of Missouri be and the same is hereby abolished, and the following is adopted in lieu thereof, to-wit:

Sec. 4. The Supreme Court shall consist of seven Judges, any four of whom shall constitute a quorum, and the said Judges shall be conservators of the peace throughout the State.

Fifth, That the Governor, to be chosen by this Convention, shall, in addition to the three Judges now composing the Supreme Court, appoint four other Judges for said Court, who shall hold their offices until the first Monday of August, 1862, and until their successors are elected and qualified; and on the said first Monday of August, 1862, there shall be an election by the qualified voters of the State, of four Judges of the Supreme Court, who shall hold their offices until the first Monday of August, 1863, and until their successors are elected and qualified.

Your committee would also recommend that the following ordinance be adopted by the Convention, to wit:

Whereas, The General Assembly of the State of Missouri did, in secret session, contrary to the known wishes of their constituents, in violation of the Constitution, and the dearest rights and interests of the people,

and for the purpose of dissolving the political relations of this State to the Government of the United States and subverting the institutions of this State, enact certain odious laws hereinafter enumerated; therefore,

First, Be it ordained by the People of Missouri in Convention assembled, That an act entitled "An Act to provide for the organization, government and support of the military forces of the State of Missouri," approved May the 14th, 1861;

Also, an act to create a Military Board for the State, entitled "An act to raise money to arm the State, repel invasion, and protect the lives and property of the people of the State of Missouri," approved May 11, 1861;

Also, an act entitled "An act to authorize the appointment of one Major General for the Missouri militia," approved May 15, 1861;

Also, a joint resolution to suspend the apportionment of the State school money for the year 1861, approved May 11, 1861;

Also, an act entitled "An act to perpetuate friendly relations with the Indian tribes," approved May 11th, 1861—be and the same are hereby repealed and declared of no effect or validity whatever.

Second. And be it further ordatned, That, for the purpose of providing for the organization of the militia of the State, the following act, to-wit, n aact entitled "An act to govern and regulate the volunteer militia of the State," approved December 31, 1859, be and the same is hereby revived and declared to be in full force and effect.

Third. And be it further ordained, That at the election provided to be held on the first Monday of August, 1862, a poll shall be opened at every election precinct in the State, for the purpose of taking the sense of the people upon the amendment of the Constitution, providing that the Supreme Court shall consist of seven judges. The several clerks of the county courts, in making out the poll-books, shall provide two columns, one headed "For the amendment to the Constitution," and the other "Against the amendment to the Constitution;" and if a majority of the legal votes upon the amendment be for the same, it shall be a permanent amendment to the Constitution of the State; but if a majority of the legal votes cast upon the amendment be against the same, then it shall cease to have any effect from and after the time that such result shall be officially ascertained, as hereinafter provided. The returns of said election shall be made to the Secretary of State, who shall proceed to cast up the votes in the presence of the Governor, within sixty days after said election, and the Governor shall, by public proclamation, announce the result, which proclamation shall be filed in the office of the Secretary of State.

Fourth. And be it further ordained, That in case before the first of August, 1862, the Governor elected by this Convention shall consider that the public exigencies demand it, he shall order a special election to fill the vacancies created in the General Assembly by the ordinance adopted by this Convention.

Mr. WRIGHT moved that the report be laid on the table, two hundred copies printed, and made the special order on to-morrow morning, as well as on every subsequent morning until disposed of. Motion agreed to.

Mr. TURNER offered the following:

Resolved, That a committee of —— members be appointed by the President to take into consideration and report to this body an apportionment bill, laying the State off into nine congressional districts, according to the population as shown in the last United States census report.

Mr. WRIGHT moved to lay the resolution on the table.

Mr. TURNER called the ayes and noes.

Mr. BRECKINRIDGE suggested the propriety of a reference to the Committee of Seven.

Mr. BROADHEAD read from the report of that committee, to show that it gave the Governor power to order a special election of the Legislature, in case the public exigency should require it, and that hence there was no necessity for the Convention to attend to the State apportionment. If such apportionment was necessary, the Governor had it in his power to submit the subject to the Legislature, which was the proper body to apportion the State.

Mr. STEWART moved to amend the resolution so as to refer the whole subject to the Committee of Seven.

The motion to table was put and lost by the following vote:

AYES—Messrs. Bartlett, Bass, Broadhead, Donnell, Douglass, Drake, Frayser, Flood, Gamble, Givens, Gorin, Hall of Buchanan, Hatcher, Hough, Howell, Knott, Long, Marmaduke, Marvin, Matson, Moss, Noell, Phillips, Pipkin, Pomeroy, Ray, Sawyer, Sayre, Tindall, Waller, Welch, Woodson, Woolfolk, Wright, Mr. President—35.

Noes—Messrs. Allen, Bogy, Breckinridge, Bridge, Bush, Cayce, Collier, Doniphan, Dunn, Eitzen, Foster, Gantt, Gravelly, Henderson, Hendricks, Hitchcock, Holmes, How, Irwin Isbell, Jackson, Jamison, Johnson, Leeper, Linton, Maupin, McClurg, McCormack, McDowell, McFerran, Meyer, Orr, Rankin, Rowland, Scott, Shackelford of St. Louis, Smith of Linn, Smith of St. Louis, Stewart, Turner, Vanbuskirk, Zimmerman—43.

Mr. Hall of Randolph said he could see no immediate necessity for the apportionment of the State, provided Missouri had her full share of Representatives in the present Congress, and the new census did not operate until an election was held for the next Congress. In that case it would seem to be an improper move for the Convention at its extra session to have anything to do with the new apportionment.

Mr. Broadhead said there could be no doubt that the members to be elected under the new apportionment would not take their seats until at the regular session of Congress in 1863.

Mr. Breckinridge offered the following amendment to the resolution:

Strike out all after "resolved" and insert that the Committee of Seven be instructed to take into consideration and report upon the expediency of taking action by this Convention to lay off the State into nine Congressional Districts, according to the population as shown in the last United States census report.

Mr. McFerran offered the following substitute for information:

Resolved, That a committee of five be appointed by the President to take into consideration and report to this Convention the propriety of adopting an amendment to the State Constitution, providing for reducing the number of members of the House of Representatives to 100, and apportioning the State in accordance therewith; and also apportioning the State to provide for nine members of Congress under the late census.

Mr. Breckinridge withdrew his amendment; whereupon,

Mr. Turner accepted Mr. McFerran's substitute in place of the original resolution.

Mr. Gantt moved to strike out the words "appointed by the President," and insert "elected by this Convention." Motion disagreed to, only three members voting in the affirmative.

Mr. Welch. This Convention is well aware that so far as members of Congress are concerned, if this body were dividing the State into nine Congressional districts, the members who might be elected from those districts would not take their seats for two years to come. So far as reducing the number of members of the Legislature is concerned as a proposition, I am in favor of it; but I have this objection to the Convention taking that subject into consideration now. A report has been submitted to this Convention which proposes several changes in the Constitution of the State, and a great change in the government of the State. The people of this State will expect that the action of this Convention will be submitted to them for their ratification or rejection, and this question will enter into a heated and lengthy canvass, in all human probability, and I see no necessity, and I do not think it wise or prudent for this Convention to increase the issues which will be presented in that canvass for State officers, by adding thereto the Representatives of the Legislature. I think it would be prudent, and that the peace of this State requires, that this Convention should not legislate or act upon anything which is not necessary for the restoration of the peace of this State.

Now, the adoption of a resolution looking towards the designation of the number of representatives on this floor, is not necessary for the peace of the State. Neither is an apportionment for nine members of Congress necessary for the peace of the State.

The people of Missouri have cast their eyes upon this Convention, and look to it for some action which shall have the effect to restore peace to this distracted State. Now, I for one, as a member of this Convention, will refuse to act upon any question which has no reference to the restoration of the peace of this State, however important it may be. It will be remembered that during the Convention at St. Louis, I offered an amendment relative to this subject, but I would not offer that proposition here, because it is not necessary in the present crisis of public affairs.

We have ordered an adjourned session of this body for the third Monday of December next. Then, if it is necessary, this question of reducing the State representation, of increasing the representation in Congress, and in regard to cutting off this special legislation, can be decided, for I presume this body, when it adjourns, will not adjourn *sine die*.

I appeal to every gentleman on this floor, whether it is wise or prudent to involve the people of this State in an unnecessary contest. I well know the bitter opposition that amendment will meet with in some of the counties of this State where the population is small and the taxation large. I have witnessed the opposition that has been manifested on the floor of this house when that proposition has been presented, and I know it will meet with unanimous condemnation in many counties throughout the State. Is it wise and proper, then, to lug this extraneous question into the canvass, which has no reference to the difficulties now surrounding us?

For these reasons I have arisen for the purpose of making a motion to postpone the resolution until the third Monday in December.

Mr. Stewart. With all due respect to the opinions of members of the Convention, the proposition has come back to the very point occupied before I made my original motion. I agree with the gentleman from Johnson, that there is no necessity for getting up any extraneous issues, but I believe that the Convention has met here, and that we are the people *en masse*, with full powers to act in the premises. I regard this government as an anomaly in history. I recognize the Governor of the State as having abdicated, with the public property, and the Convention as alone having authority. There are but two ways of amending the Constitution, and both are laid down in the Constitution and the Bill of Rights. One is by a two-thirds vote of the Legislature, and the other by a Convention of the people. And the people have expressed themselves fully and unequivocally and overwhelmingly in favor of the Federal Government, and that ought to satisfy us that the people of the State are loyal to the Union.

The Legislature came here and held their midnight secret sessions, and endeavored to establish a military despotism, and it devolves upon this Convention to take such steps as will show to the world that that kind of usurpation and rebellion will not be allowed in Missouri or the United States.

I believe we have got a Government. The stars and stripes still float, and our government is yet the greatest Government on earth.

Mr. Phillips. I call the gentleman to order. I believe the motion at present before the house is to postpone the resolution of the gentleman from Davis.

The question being on the motion to postpone Mr. McFerran's resolution,

Mr. Breckinridge explained that he was inclined to think the Convention should not now proceed to an apportionment. Yet, as it was only proposed by the resolution to appoint a Committee who were to inquire into the expediency of such a step, he could see no objection to it, and would vote for it.

Mr. Gantt remarked that, in his estimation, a committee should be appointed, to whom the matter should be referred, though it was not a proper subject to occupy the Convention at the present session. Perhaps that committee could report in December.

Mr. Howell. I desire to have my colleague, Judge Redd, noted as absent on account of indisposition. He started for this place and got as far as St. Louis, but was unable to proceed further. The simple announcement of absent might indicate that he was derelict in his duty, which he is not.

The motion of Mr. Welch to postpone was agreed to. Ayes, 71; noes, 8.

Mr. Phillips offered a resolution that the Hon. H. R. Gamble be added to the Committee of Seven. Adopted.

Mr. Foster, from the Special Committee, presented a report and resolution declaring that Mr. Morrow was entitled to his seat in the Convention.

Mr. Gantt desired to take action upon a motion made by the gentleman from St. Louis (Mr. Broadhead) limiting speakers to thirty minutes.

Mr. Hall of Buchanan said that no such motion had been made, but merely a notice given that a resolution to that effect would be introduced, and that the gentleman could not avail himself of it.

Mr Gantt understood the resolution had been introduced.

The President announced that the resolution had not been introduced.

Mr. McFerran offered the following resolution:

Resolved, That a committee of seven be appointed to prepare an address to the pepole of Missouri.

Mr. McFerran. Since the meeting of the Convention we have heard it proclaimed by distinguished members of this body, that the Convention could do nothing to remedy the evils that now afflict our State, and on yesterday an attempt was made to introduce a resolution to adjourn *sine die*, which, however, was

not acted upon by the Convention. The distinguished gentleman from St. Louis (Mr. Wright) in a speech he made on Monday, seemed to think that nothing but ruin enveloped the whole country, and especially our own State. I listened with marked attention to that effort, and its substance seemed to convey this idea, that all we had to do was to take care of our personal preservation. To take care of ourselves seemed to be the burthen of his speech.

It is true, Mr. President, that ruin reigns in the State for the time being. It is true that evils of great magnitude are upon our State and people, but I cannot think that it has got so bad that the people's representatives should consider nothing but their own preservation.

Mr. Wright. I rise to an explanation. The gentleman has misunderstood me. [A laugh.] I was unhappy in phrase, if I conveyed the idea that the individual security of each man was to be thought of. I said our Union was gone beyond the hope of reconstruction, and that all that was left was a number of States without the vital principles of life; although, sir, I do believe the question will narrow down to a matter of individual security, yet I did not go so far as to declare it. What I intended to convey was the idea that the duty devolved upon Missouri, in her present condition, to throw around the individual citizens of Missouri as much protection as the allotment of power given to her under the Federal Constitution, would allow.

Mr. McFerran. My friend has the advantage of his explanation, but if I have misunderstood him, it, of course, is a misunderstanding, and as I am not disposed to misrepresent ——

Mr. Wright. I am sure you are not, sir.

Mr. McFerran. If I understood the drift of that gentleman's argument, it was that the Constitution of the United States was violated; that it had been trampled under foot, and that military power was only seen and felt throughout the State.

On yesterday, a resolution was introduced by the gentlemen from Clay, (Mr. Moss) in which it was announced that this Convention could do nothing that would restore peace to the State. Now, Mr. President, if that is so, then, indeed, have we fallen upon evil times. If this Convention can do nothing for the State of Missouri—if it can do nothing towards the restoration of the peace of the State —then we are a ruined people.

Mr. Moss. Will the gentleman permit me to correct him? My statement was that this Convention could do nothing towards securing the peace of Missouri by an attempt to reorganize the State Government.

Mr. McFerran. Perhaps, Mr. President, I was not sufficiently specific in regard to the position I assigned to the gentleman from Clay, but I am inclined to think the gentleman's speech went to the extent of what I have here stated. If in this, however, I am mistaken, of course I stand corrected.

Now, Mr. President, the rights of the people of the State—their rights under the Constitution and laws of the land—are the same to-day that they ever were. My friend from St. Louis talks of the Constitution of the United States and of the State of Missouri, and seems to assume the vindication of both. In this I agree with him, that both should be vindicated; and in so far as he vindicates the Constitution of the United States and of the State of Missouri, I am with him, and with all others who do so.

But, sir, I have learned that the Federal Constitution is the supreme law of the land, anything in the Constitution or laws of any State to the contrary notwithstanding. I have learned that in this Government the majority have a right to rule. The Constitution of the United States is the supreme law of the State of Missouri. Under our system of Government, the majority of the people have a right to rule. The minority cannot rule without overturning the first principles of republican government—the very idea upon which all our liberties rest. The people have decided in favor of maintaining their relation with the Federal Government by more than 80,000 majority. This Convention, elected by the people, by a majority so large as that, has, with almost entire unanimity, declared that Missouri shall maintain her relations to the Federal Government; but a minority of the State, represented by the Executive and Legislature, have decreed otherwise, and they have involved the State in rebellion against the Federal Government. Now, sir, how can a gentleman take the position here that the people of the State can do nothing—that they ought to do nothing, or attempt to do nothing—to right themselves and preserve their liberties without being willing to abandon the first principles of a republican Government, and liberty itself! The majority of the people of a State have a *right* to rule, the State Governments and Legislatures to the contrary notwithstanding.

The Government of the United States has a right to maintain its authority within the boundaries of our State, and if the Legislature and Executive of our State take a position to the contrary—if they involve the State in rebellion against the Federal Government and against the great majority of the people of the State, and are successful in that rebellion, then, sir, is not free Government destroyed in our State—is not republican government gone for Missouri? And what have you left? You may, sir, have a military despotism, or an Executive may conquer Missouri and attach her to a Southern Confederacy, but Missouri will be no longer a free State, nor we longer a free people.

Mr. President, we must make a stand for republican government—we must make a stand now for our liberties, because if we fail, the majority of the State will have been crushed, the principle upon which free government is based will have been crushed, and our liberties will have departed from us.

But, Mr. PRESIDENT, to do nothing involves much more than that. Our Executive has marshaled an army, and as Governor of the State, under color of his office, he has induced our brave people to run to his standard. If we do nothing, he will hold this authority, and the loyal and brave men of Missouri, so eloquently referred to by my friend from Clay, may be induced to rally to that standard, which not only sets at defiance the General Government, but the majority of the people of Missouri. Then, sir, I hope not, I wish not, that this should be so. It must not be so. Must our people be put into a position that they will overturn our own Constitution, the Constitution of the Federal Government, and the will of a majority of the people of the State? I think not, Mr. President. Wherever our Executive can enforce the Military Bill, there he can force our citizens to take up arms under his standard. Therefore I think we ought to do something to prevent this. Again, sir, that army marches over our State, and it takes the property of citizens, giving them State scrip, of what value I will not pretend to say; but, certain it is, if that scrip is ever worth anything, it will have to be in more prosperous times than these. Therefore I think something ought to be done to take this color of official authority and place it in other hands, loyal to the Federal Government and loyal to the majority of the people of the State. No matter what this war may bring to the other States, Missouri is loyal to the Federal Union, and no man has ever doubted until recently that the majority of the people of the State ought to rule its own destinies and administer its own laws.

It is said, Mr. PRESIDENT, that the present Administration has violated the Constitution. I do not propose now to ask that question, or consider it. If it be so it is to be regretted; but I would ask, if the rebellion which is inaugurated in the State is successful, will not that be a greater violation of the Constitution of the United States and the State of Missouri, and a greater violation of the principles of liberty and free government than anything that the present Administration has done. The Constitution of the United States provides in a legal way for the trial of its officers who violate the fundamental law. We are now involved in a civil war of such dimensions as the history of the world scarcely furnishes an example of. Is this the time to incite our people against their Federal Government, by portraying before them supposed violations of the Constitution of the country? Is it not the duty of the citizen to stand by his Government? It is the duty of Congress to try the President, by impeachment, if he violates the Constitution. When this matter comes to be tried by the people in the proper time, when the people are called upon to decide the issue as to whether its public servant, the Executive of the United States, has done his duty, and the people, as the great jury of the Union, are to try that man for his acts, then will be the time to canvass what he has done—to investigate the propriety of his actions. But it is wrong to incite our people to rebellion and revolution in times of war, especially, Mr. President, in the State of Missouri. The gentleman from Clay, on yesterday, announced the fact that the majority of the people of the State were against rebellion, and against this war in the State. That being so, and the majority being entitled to rule, it is the duty of those who represent that majority to see that this war is not waged any further. We must exert every means in our power and spare no effort whatever to induce the people of the State to return to their allegiance to the Federal Government, because I presume there is not one to be found who will say that Missouri at present can change her relations to the Federal Government. Then why wage a devastating and useless war? Why incite our people by charges of violations of the Constitution? Why incite them

by appeals to their prejudices to rise in rebellion against the Federal Government and against the majority of the people of the State?

As the committee which is proposed by the resolution aims to present to the people our condition and the remedy for it, I hope, Mr. President, that it will be appointed. Let us exhaust every effort that is in our power, let the majority of the people of this State throw themselves into the breach and save, if possible, that minority which has raised the standard of rebellion in the State. It is the duty of the majority to do it. Peace has its victories, and if we can attain this victory by peace, we will not only have discharged our duty to our country, but to our constituents, to humanity, and to God.

Mr. HITCHCOCK. It seems to me that the consideration of the resolution at present would be premature and lead to a rambling debate, for the reason that we have not yet obtained the sentiments of the Convention on the report of the committee. I therefore move that the Convention now adjourn until to-morrow morning at 10 o'clock.

Motion agreed to, and Convention adjourned.

FIFTH DAY.

FRIDAY MORNING, JULY 26th, 1861.

Convention met at 10 A. M., Mr. President in the chair.

Prayer by the Chaplain.

Journal read and approved.

Mr. GANTT called for the report of the committee, to whom was referred the resolutions to pay the delegates to the Border State Convention, and Messrs. MEYER and LONG.

Messrs. KNOTT and Moss presented a majority report in favor of allowing the mileage and per diem of the delegates to the Border State Convention.

Mr. GANTT presented a minority report in favor of allowing the expenses incurred by Messrs. MEYER and LONG in journeying through the country to notify Messrs. MCCLURG and MCCORMACK of the meeting of the Convention.

Mr. STEWART. Does that minority report include the payment of the delegates to the Border State Convention?

The PRESIDENT. The Chair understands that it does not.

Mr. HALL, of Buchanan. I move to add as an amendment, that the minority report be added to the recommendation of the majority report, the effect of which will be to pay both parties.

The PRESIDENT. I understand that the minority report objects to the payment of the Border State delegates.

Mr. HALL, of Buchanan. I understand that. I do not move the adoption of the minority report, but that the recommendations in regard to Messrs. MEYER and LONG be added to the majority report.

Mr. BOGY. I move that the report be laid on the table and printed, and made the special order for to-morrow.

Mr. HALL, of Buchanan. Of course we wish to be as economical as possible. I think we understand the arguments in these reports, and I do not see the necessity of having them printed. I hope the motion will be withdrawn.

Mr. BOGY. Well, I am willing to withdraw the motion to print, and then make it a special order for to-morrow.

Mr. STEWART. Before that is laid on the table I wish to understand its bearings—whether it will involve the right of this Convention to send delegates to the Border State Convention.

The vote was being taken, when Mr. STEWART demanded the ayes and noes.

Mr. WELCH. I think, under the rule, it requires two members to call the roll; I have heard but one, so far.

Mr. STEWART. I heard half a dozen. All I want to know is, whether the laying of this proposition on the table involves the right of this Convention to send delegates to the Border State Convention. If it does, I wish it to

be referred to a committee, and I want the ayes and noes whether the gentleman from Johnson does or not.

The motion to lay on the table was lost.

Mr. BIRCH offered the following:

Resolved, That the delegates to the Border State Convention be paid according to the recommendation of the Committee, and that Messrs. MEYER and LONG be paid according to the recommendation of the Committee.

Mr. GANTT. I cannot help saying something in explanation of the minority report, and the motion made. This is a kind of resolution which it would be desirable to adopt if it was in conformity with our action and rules, and the propriety of the thing. We appointed delegates to a Border State Convention. It was supposed something might be gained by having members of our body to represent the State of Missouri in a Border State Convention, provided such Convention, and the place of holding it, were designated by the State of Virginia. These delegates were required to attend "at such time and place,"—I read, sir, from page 58 of the proceedings of the Convention—"at such time and place as may be designated by the Convention of the State of Virginia, for the meeting of delegates from the Border States, or Border Slave States."

Mr. WRIGHT. Did not the Virginia Convention designate the time and place?

Mr. GANTT. No, sir. That fact is stated in my report. No such place was designated by the Virginia Convention, and I have referred to the best sources of information. Such a resolution was before the Virginia Convention, but they never passed it.

Mr. WRIGHT. I was under the impression that Virginia changed her policy, and did not send delegates.

Mr. GANTT. That was my impression, also; but I learn such was not the case. Now, then, these delegates were appointed and went to the place. We did not tell them to go. Of course, no one suspects me of any imputation on the purity of the motives of those who did attend. They are gentlemen of the highest character and greatest ability, but they did not do what this resolution contemplated. What they did was not in the range of the duty required of them as members of this Convention, in obedience to the resolution adopted by this body. They went to Kentucky and found but a small number of persons there assembled—Missouri and Kentucky only, and represented but in part at that. Those who did not go from Missouri did not go from any lack of disposition to do their duty as delegates to the Border State Convention, but because they believed the fact was too plain for argument that, according to the provisions of the resolution, they were not required to report themselves. Under these circumstances, I find it impossible to report those gentlemen who did go as entitled to remuneration. On the other hand, the expenses incurred by Messrs. MEYER and LONG were for the purpose of doing one of the things which the committee of this Convention was charged to do. This journey was taken by these gentleman at a season of the year when they had to encounter disagreeable circumstances of every kind. They had to go through a part of country which, for one of them, at least, was unsafe. That journey was one which was in strict conformity with the duties required of that committee, and it was one which reflects much honor upon the zeal of the gentlemen who undertook it. They do not ask to be reimbursed for their time. They only want the money paid back into their hands which they expended for the purposes named.

Mr. STEWART. This Convention sent delegates to a Border State Convention. I believe they had a full right to do so; I am in favor of paying those who went under the resolution, but I am opposed to laying this subject on the table, as I think it would involve the right of this Convention to send delegates to that Convention—a view of the case which I think we have no time now to look into. I believe the Convention had power to send delegates to the Border State Convention, and whether we have the money in our pockets now to pay them or not, they did their duty—they are entitled to remuneration. The question will come up before the Convention adjourns, where is the money to come from? Where is the Secretary of State? If a man is in the Penitentiary, who is to pardon him out? I would just as soon pardon a common criminal out of the Penitentiary as an abdicated government. I believe that we have got a Government, and that the necessity which called us here is one which never before occurred. We have a revolution which is to be put down. I have read Blackstone and I have read nature. According to the former a man has the right to settle where he pleases, and if any other man attempts to interfere he has the right to kill him.

The PRESIDENT. The question before the Convention is in regard to paying delegates to the Border States Convention.

Mr. STEWART. I know that, and I was giving my reasons why these men ought to be paid. This Convention sent these men; they performed their duty, and we are under a moral obligation to pay them.

Mr. IRWIN. I call the previous question. My reason is, that we are expending more money by discussion than it would take to pay these delegates.

Mr. SAYRE. I call for a division of the question.

The vote was then taken separately on the provisions of the resolution, and both recommendations, to pay the Border States Delegates and Messrs. Meyer and Long, adopted.

Mr. BROADHEAD. I desire to offer a resolution.

Mr. WRIGHT. I object.

Mr. BROADHEAD. I desire to explain that it is merely a resolution in regard to limiting debate.

A vote was then taken to suspend the rules.

Mr. STEWART. I wish to explain my vote. I am not disposed to limit debate on either side.

The rules were suspended—ayes 41, noes 39—as follows:

AYES—Messrs. Bogy, Breckinridge, Broadhead, Bridge, Bush, Collier, Eitzen, Foster, Gamble, Gantt, Gravelly, Hall of Buchanan, Hall of Randolph, Hendricks, Hitchcock, Holmes, How, Irwin, Isbell, Jackson, Jamison, Kidd, Leeper, Linton, Long, Marvin, Maupin, McClurg, McCormack, McDowell, McFerran, Meyer, Rowland, Scott, Shackelford of St. Louis, Smith of Linn, Smith of St. Louis, Turner, Vanbuskirk and Zimmerman—41.

NOES—Messrs. Allen, Bartlett, Bass, Birch, Cayce, Doniphan, Donnell, Douglass, Drake, Dunn, Frayser, Flood, Givens, Gorin, Henderson, Hough, Howell, Hudgins, Knott, Marmaduke, Matson, Moss, Noel, Orr, Phillips, Pipkin, Pomeroy, Rankin, Ray, Sawyer, Sayre, Stewart, Tindall, Waller, Welch, Woodson, Woolfolk, Wright and Mr. President—39.

Mr. BROADHEAD offered his resolution, viz: that no member shall speak more than thirty minutes on any question before the Convention.

Mr. HALL of Buchanan moved to strike out thirty minutes and insert one hour.

Mr. BROADHEAD. I accept.

Mr. SMITH of St. Louis. I desire to amend as follows: "Unless by the unanimous leave of the Convention," and in explaining his vote—which shall only be allowed when a member has not spoken on a question—he shall not occupy more than five minutes. I notice in our proceedings members occupy a great deal of time in explaining their votes. It is a custom which has crept into Congress and Legislatures, and is contrary to parliamentary usage. I merely wish to limit the time, however, and not cut off all explanation. In regard to the other matter, I have nothing to say, except that I think it is a great bore to have a man who has occupied a day or a day and a half in defining his position, get up and occupy an hour or an hour and a half in explanation of his vote.

Mr. WELCH. I rise to a point of order, whether or not, under the rules of the Convention, a member has the right, under color of an amendment, to offer a new proposition, which under the rules requires a day's notice.

The PRESIDENT. I will state here that the rules are explicit in regard to allowing members to explain their votes. The rule, however, is violated every day in this respect, that gentlemen who desire to explain their votes, do so after the call of the roll is commenced, and that no member has the right to explain his vote after his name is called. The precedent, however, has been here and elsewhere to allow members to explain their votes after their names were called. I do not propose, unless it is the sense of the Convention, to interfere with that custom. In regard to the point made by the gentleman from Johnson, it is well taken, and the amendment of the gentleman from St. Louis is out of order. He has the right, however, to offer it as an independent proposition if he thinks proper.

Mr. SMITH of St. Louis. I most respectfully appeal from the decision of the Chair. I consider it entirely in accordance with the spirit of the resolution.

Mr. STEWART. I call the ayes and noes.

Mr. SMITH. By the advice of my friends I withdraw my amendment.

Mr. STEWART. Then I withdraw my call for the ayes and noes.

Mr. BOGY. I move to amend by striking out one hour and inserting thirty minutes.

Mr. KNOTT. I am not clear that the decision of the Chair, declaring a majority sufficient to suspend the rules, is correct. [The Speaker read from a rule adopted at the last Convention, which declares a two-third vote shall be required to suspend a standing rule or order.] He continued: Inasmuch as the

vote was not a two-third vote, I would suggest whether the rule was suspended.

Mr. Broadhead. I noticed that rule, but I think it requires a different interpretation from that which the gentleman has given it. If this was a standing rule or order that we passed over, the gentleman would be correct, but as it is a special order, we can pass over it by a majority vote.

The President thought the conclusion of Mr. Broadhead correct. It is true, legislative bodies have standing orders, such as *petitions and memorials, Reports of Standing Committees, Reports of Special Committees*, &c., and it requires a two-third vote to pass over; them but the order now under consideration is not a *standing* order, but special. Hence a majority vote is sufficient to pass over it.

Mr. Knott. Inasmuch as the Convention has no standing orders, and as the two-third rule exists, it would seem that the rule can only be made applicable, and was intended to apply to special as well as standing orders.

Mr. Hall of Buchanan. While it is true that we have no standing orders, I suppose it is true that we have the right to make a standing order; and whenever we make a standing order, of course the two-third vote will apply under the rule. Until the Convention has a standing order, the two-third rule can have no force.

Mr. Knott. Are we, in our construction, to be governed by the rules that we have already, or by the rules that we may make in the future? I respectfully appeal from the decision of the chair.

Mr. Stewart. I desire to make a speech in writing, as follows:

Resolved, That thirty minutes is long enough for a man who has nothing to say. [Laughter.]

The President. I am desirous of affording the gentlemen of the Convention every opportunity of reviewing my position at any time. I think that I have decided this proposition according to the rules that govern us, but if the Convention differs with me they can reverse the decision I have made, for I am inclined to entertain the motion for an appeal, in order that the Convention may have the right to declare whether my decision is correct. The gentleman from Cole (Mr. Knott) makes the point of order that we cannot entertain the resolution offered by the gentleman from St. Louis, (Mr. Broadhead,) inasmuch as two-thirds of the Convention were not in favor of dispensing with the regular order of business.

Mr. Broadhead. The resolution was made to pass over a special order to enable me to introduce a resolution, and decided affirmatively. The question was then raised whether or not a two-thirds vote was not required. The Chair decided a majority sufficient, and now an appeal is taken from the decision of the Chair. I introduced my resolution; an amendment was offered to it; I accepted it; another amendment was pending, and the resolution had passed through several stages of proceeding; and now if we can appeal from the decision of the Chair, we can appeal from it at any time.

The President. The gentleman states that he desired to take an appeal after the result was announced, but was unable to obtain the floor. I am desirous that he should now have an opportunity of being heard.

Mr. Broadhead. Then I have no objection.

The decision of the Chair was then sustained by a large vote.

Mr. Wright. I have a few remarks to make both on the resolution and the amendment. When we met before, in St. Louis, the condition of our country was threatening and alarming, but it was not so deplorable as its present condition, nor were our deliberations vexed with questions so new, so delicate and so serious in their consequences as are now presented for the consideration of this body. The programme furnished by the Committee of Seven, reported on yesterday and lying on our desks, presents the nicest and most important questions that ever were presented in America to any deliberative body, and every candid man must concede they are bran new. They are fresh; they are cases of the "first impression," as we lawyers say; and if any questions ever presented to the American mind deserved calm deliberation and investigation, and if argument be a proper method of reaching the truth by any means in the world where minds are to be moved by argument, the questions that spring up before us upon the programme of the Committee of Seven are those questions. Never, so far as I know the history of the world, have such questions been presented for consideration.

Less difficult questions have been discussed heretofore in this Convention, and no member of any party in the Convention, dominant or otherwise, although it was a Union Convention, nobody thought either of trampling upon debate or applying the gag law, to my knowledge.

No gentleman thought of introducing any such question at all, but the matters, grave as they were before us, were such as naturally invoked the best energies of the minds of those sent by the votes of the people, and those minds were left free to exercise themselves for the welfare of the country by all the light which common discussion and common investigation, coming from ninety-nine men, could throw upon the grave matters touching the welfare of our country. Now our complications have become worse. Neither party, the Federal Government nor the gentlemen South, would take our advice. We deliberated long and well, and as I think wisely, and had the various parties in this country, the rulers North and South, listened to our counsels and adhered to them, we would this day have been a contented, happy and glorious people. But the complications since that period of time have crowded upon us until questions of fearful newness and fearful import are now presented for our deliberation. Such questions as to the power of this body:

1. Whether we can go outside of certain specified requirements?

2. Whether there are any limitations upon our power, and what they are.

3. Whether the power of the body *ex directo* could change the character of the government entirely—vacate offices filled according to the Constitution and by the popular vote, and institute a new government in part and take charge of the present government, vacate the State's Assembly, the office of Governor, Lieutenant Governor and Secretary of State, and organize the Supreme Court *ex directo;* put four Judges upon the bench by way of a fiat, and hold them there for a period of more than a year, to pass upon the judicial affairs of the country, involving the most sacred rights—all the legal rights appertaining to the State.

What would be the effect of such an act? What would be the effect of the decisions of this new tribunal of seven, instead of three, according to the Constitution? What would be the effect of our power to make a Constitution without receiving its vital breath from the people themselves?

All these and more are questions that spring up for the careful consideration of every mind of this body. It is a delicate work—the exercise of intellect for the best ends—the prosperity and welfare of our country, and it is in the midst of this state of things that a gag law is to be applied!

One gentleman says, by a resolution, that half an hour is long enough for a man to speak who has nothing to say. I heartily concur with him; but is it not best to trust the dictates, common honesty, and enlightened prudence, and suggestions of the mind of a gentleman in regard to this matter? A gentleman who has respect for himself and respect for others will rise only when he has something to say, and when he has said it he will sit down.

Mr. Stewart. Mr. President, I call upon the gentleman to notice that I voted against the proposition limiting debate. I want to have the greatest liberty of speech.

Mr. Wright. My remarks were not directed to the gentleman from Buchanan. I have nothing personal in my remarks, but I rise to perform an important duty.

I wish to say that coming here in an assembly where the greatest questions are to be determined, there is no necessity for this rule, as is the case at Washington, where business, multitudinous and various, crowds from every quarter of the empire, and where some limitation is necessary for the speedy transaction of business. In all deliberative assemblies the minds of men are in subordination to the great law of usefulness—intellects are dedicated to the people who have trusted their delegates with power to speak, and the analogy quoted is badly out of place, for the multitudinous affairs of Congress demand some rule of expediency for the dispatch of business; but when the very peace of the people may hang upon our deliberations, what man would ever think of applying the gag law?

Some men are slow in their deliberations. Some men deliver themselves by great concentration of thought in a short period of time. If you apply arbitrary measures to these men, you but follow the example of the ancients in regard to the bed of torture, who, when they found a man too long for the bed, they had his legs cut off, or when they found one too short, they pulled him until he would fit the measure.

No man, however sound the views and conclusions of his own mind, but ought to give way with respect to the views and conclusions of others, and be ready to listen to suggestions from every quarter of this Hall. That is the spirit in which I come. I suppose I cling with ordinary tenacity to the views and conclusions to which I arrive in looking over this melancholy spectacle—in looking over the condition of Missouri; but I stand here and declare that if I have one idea or policy wrong, and I am

convinced of it by debate, I will acknowledge my error. But, sir, the idea of putting a gag law upon our deliberations is at war with what ought to be and what I suppose in common decency is the object of every member. It is not a cause in which a party victory is to be won; but we are here as brethren, and should be delegated to the work of doing the best for a common brotherhood, giving our opinions and working with the wisest and calmest deliberation by all the light furnished and flashed from intellect to intellect, and by every scintillation that the reasoning thought of man can give. Yet, in the midst of this dire calamity of State, a resolution is introduced for a gag law, limiting debate! I shall vote against this resolution. I do not know as I shall speak myself. Some gentlemen suppose I feel a particular interest in this matter. I look for light everywhere, and listen to every man with patience.

If my opinions are wrong, I will change them with swift alacrity. I do not want to put a ban upon a man's intellect, or a seal upon a man's mouth. I want him to speak like a man—a patriotic man—with a mind and heart dedicated to the welfare of the people. I don't care how long he speaks so long as he speaks sense. There is the previous question, which can be exercised if desired. There is no practical necessity for going into this work.

Mr. Stewart. I wish it understood that I am in favor of giving the greatest latitude to the greatest thought. I am in favor of intellect meeting intellect. I am in favor of every man on this floor coming forward and holding out his heart, hands and intellect; but I think the gentleman from St. Louis ignores the whole object for which we came here. I think we come here as representatives of a great people to build up an abdicated government. I think we came here under the Constitution, as representatives of a great people, having the constitutional power in our own hands to represent them fairly and fully, and that it is our business to do so. If we had a State Government here, there would be no necessity for our assembling. If we had a Government, a Legislature, a Governor, and a Secretary of State here to attend to the ordinary business of legislation and matters of government, there would be no necessity for the people to meet here *en masse*—because I undertake to say the people of the State of Missouri are here *en masse*, for all practical purposes. Being here in that capacity, it is our duty to go to work and meet the exigencies of the case.

Mr. Broadhead. I have a word to say in reply to my colleague from St. Louis, who seems very much exercised about the introduction of this proposition, and for the purpose, I suppose, of creating some sympathy on his behalf, has undertaken to charge us with enforcing the gag law against him. That cry has been used until it is worn out. The rule proposed to be adopted by that resolution is one which has been adopted by all parties. I am now speaking of the late political history of the country in the Congress of the United States, and I may say it has been universally acquiesced in. For years past no effort has been made to repeal that rule in Congress, a deliberative body which, according to the gentleman's own admission, has to take into consideration the multitudinous affairs of a mighty empire. But grave questions, he tells us, are to be presented for the consideration of this body—*new* questions, questions that never yet have been presented in the history of the world. That is the language: that never yet have been presented in the history of the world. If I had the time, and deemed it necessary to satisfy that gentleman, I could point to the action taken by Conventions in the United States of America, (and when I say the United States of America, I mean this whole country,) Conventions in Texas, in Virginia, in Alabama, where questions were presented and powers exercised and proposed to be exercised, similar to those now proposed to be exercised by this Convention. Look at the proceedings of the Northwestern Convention which was lately held, and where not only it was proposed to form a new State Government, but powers were exercised much greater than those proposed to be exercised here. Yet he tells us these are new questions. I am not prepared to admit that I am void of that charity which would induce me to suppose that members would not wantonly consume the time of this Convention in useless debate; but I will say that the gentleman in a previous speech which he made in this body has shown some disposition at least to travel out of the record to attack this act and that act, inveigh against this man and that man, and at one point to review all the political transactions of this country which have transpired for the last six months, and which could not possibly come up for investigation in this body; because, whatever may have been the acts of this or that man, however much the Constitution may have been violated by individuals, the one great question which is to be determined by the people of Mis-

souri is, what position *she* will take in the present aspect of public affairs—what course we will take for her to reconstruct the fabric of her own State Government. Will she adopt such a course as will redound to the benefit of her people? Will she act with those who have risen in rebellion, or will she still retain her position as a part of the Federal Union? If so, does it matter with this Convention who may have violated the Constitution? Is that to be offered in justification of the course that Missouri may take, if she should conclude to break her allegiance to the Federal Government and enter the Southern Confederacy? Are these questions then properly before us, or are we to determine now, by thinking quickly and acting promptly, what is best to be done? We are sailing across a dark and boisterous sea, and the qestion is how to arrive safely at a port of safety. Is it a time for us to listen to the dreams of a political philosopher or the fancies of a poet? Is it not time to grasp these questions and act upon them promptly, determinedly, speedily? because, if we do not, there is no need to act at all? Are we met here for the purpose of spending this summer in the discussion of political questions which have been thought over and over, and over again, by every member of this body? The gentleman knows very well that the propositions submitted by the Committee have been in the minds of the people and members of the Convention for the last four or six weeks. He knows that they have undergone their mature deliberation, and I undertake to say that the people of Missouri this day are prepared to act upon them.

Mr. President, I am only invoking a rule which has been established in deliberative bodies before—which is the rule in our own Supreme court, where grave and important questions are determined. I know that it may press particularly hard on some individuals—an individual member of this Convention might be disposed to take up the time of the Convention and discuss questions beyond the proper time, when according to his own judgment he would think he had said enough, it is so easy for men to forget themselves. But what we are now here for is to *act*, act upon questions which have undergone mature deliberation, for which we have the amplest precedent in the history of the country during the last six or eight months. I repeat it; they are not new questions. We need not go further back than the last six or eight months in order to find parallels which will sustain us in every thing we propose to do. I hope, Mr. President, that this rule for limiting debate to one hour may adopted.

Mr. Gantt. I would propose an amendment to the resolutiou offered by my colleague. It is that the words "sixty minutes" be changed to forty-five minutes. I think forty-five minutes will prove sufficient for all practical purposes, and may save the Convention considerable time. I presume the report will be taken up section by section, proposition by proposition, and then, no doubt, each member can have an opportunity of fully stating his views within the time allotted to him.

Mr. President, it has been said that there is an attempt to gag members and stifle debate, but that matter has been sufficiently answered by my colleague. He might have gone a little farther and said that in the latitude which one of the St. Louis delegation gave himself the other day in making a speech in this body, there was a good illustration of the want of such a rule as that which we propose to accept. On that occasion, without the slightest propriety or the least regard for parliamentary usage, the gentleman from St. Louis, took occasion to go outside of matter before the Convention and consider subjects which were entirely foreign to it. More than that, he ventured to assail private character with a hardihood and effrontery which were really remarkable; to assail private character—the character of a man in respect of whom it may be said, that if all the good deeds, or deeds having the semblance of goodness, with which the life of the gentleman from St. Louis has, through its whole course, been checkered and diversified, were multiplied by ten, they would still, in the estimation of the most partial admirers of that man who have any claim to judgment, not weigh against the one-tenth part of what Mr. Blair (for it was of Mr. Blair that he spoke) has done within the last six months for the tranquility and well-being of Missouri. He (Mr. Blair) has saved Missouri from being what Eastern Virginia is now. He has saved St. Louis from being in a worse state than Baltimore is now or has ever been. I know that when the gentleman used the word "assassin" in the same sentence with Mr. Blair, he did it with certain qualifications; but after all, the hardihood and effrontery which he exhibited in the statement were such that I was really astonished, and I say again that they were really remarkable. The word assassin

may very aptly be used to characterize the conduct, the daily acts and deeds of the party to which the gentleman from St. Louis was so curiously indulgent—in respect of whose behavior he could see no offense; but nothing of all this could be discerned by that gentleman. He reserved the expression for a man to whose nature it is abhorrent; whose whole life is at war with such an imputation. As applied to that true gentleman and gallant soldier, Frank Blair, the word is not only grossly, atrociously inapplicable, but is of such a character that he who uttered it would as soon have eaten his fingers to the knuckle-bones as make the dishonoring charge in presence of the man whom it wrongs. I could wish I had said this a few days ago, but I say it now, believing that it is still proper. I say it for the purpose of vindicating a man who has deserved well of St. Louis and Missouri, and who has been wantonly attacked by a member of this body. No matter by what qualification the attack was accompanied, the epithet "assassin" is no more applicable to Mr. Blair than that of a coward; and everybody knows that that is a name which can have no connection with that gallant man and true patriot. Mr. President, I think that forty-five minutes will be a sufficient allowance for speakers, and hope that my amendment may be agreed to.

Mr. WRIGHT. I am sorry, sir, that my very distinguished colleagues are so much exercised by one so humble as myself, and that the last gentleman, who is so great an advocate for order and propriety of debate, should have run into extremes of epithets, which are not only not characteristic of men in debate, but are in exceedingly doubtful propriety according to the code of honor which should regulate the conduct of gentlemen. It was said by the first colleague that he supposed I made a speech for the purpose of exciting sympathy. Well, now, I should dislike ever to be outside of the circle of sympathy of mankind, for I do not know how I could speak in a more forlorn condition than if I was placed beyond the pale of human sympathy. But I must tell my honorable colleague I had no clear conviction, when I spoke of the need of either his sympathy or the sympathy of any other man. I am not aware of being in a condition where I should strain for sympathy. I fear no man, and I court no man's favor.

The other gentleman declares that with hardihood and effrontery, and atrocity unparalleled, I attacked the private character of a man. I deny it I did not attack an officer of the army; and here I would respectfully suggest to my other colleague that he was no officer of the army, for so he announced himself, and Frank Blair is made a liar if you call him an officer of the army. If he had been an officer of the army he could not take his seat in Congress. I attacked him, or rather commented upon his public course, for I do not suppose he would consider it an attack. Probably he would rather think it was a compliment. He had no legal *status* either in the militia or army of the United States, and as you cannot have an officer or soldier in the United States unless he be a militia man or in the service of the United States, it followed as an inevitable consequence that he was not a soldier at all. Mr. Blair was not a soldier at all, although it is true he fought battles and wore the uniform of the United States, and was called a Colonel. What portion, then, of his private character did I attack? I call the gentleman to the question—what portion of his private character did I attack?

Mr. GANTT. I suppose you desire an answer. Now, then, did you not say that Mr. Blair, being neither in the army of the United States, nor in the militia of the State of Missouri would be nothing but an assassin?

Mr. WRIGHT. I said, having no legal status as a soldier, and having aided and abetted in killing men, and therefore committed homicide, that he could only be regarded in his legal condition as an outside assassin.

Mr. GANTT. Well, that is what I reply to just now.

Mr. WRIGHT. Very good. I said at the same time, to show my meaning, that doubtless Mr. Blair did not so regard it, nor did his friends—on the contrary, that he supposed he performed the duty of a patriot; but I had the right to speak of the legal condition of a public man who came in such questionable shape, that when you undertook to determine whether he had a public character, by his own declaration, you were inevitably forced to the conclusion that he had assumed a public post which he could not legally occupy.

I am not in the habit of exercising those virtues which are the attributes of some men. I have not cultivated the amiable virtue of hardihood, and may greatly lack in effrontery. I enter into no competition with my colleague in regard to these great cardinal virtues in a gentleman or General Assembly. I yield to him the palm. I never will make the issue of

hardihood with him, nor effrontery either. In order to enter so noble a competition as that, I should have to call upon powers that I have never exercised. If I should be driven into any such low conduct—if I should stoop down to such warfare with the gentleman—and I would as soon enter the prize ring—be a shoulder hitter—I would make the best of the contest, to be sure; but I would go into the fight conscious that the victory and the laurels would light on a worthier brow than mine.

But my great offence was that I was out of order. I have already remarked on former occasions that I am not well versed in parliamentary rules. I am liable to errors in that respect, but if I made any during my speech, it is certainly not owing to any lack of solicitude on the part of my colleagues to set me right. They were, indeed, very solicitous that I should conform to the rules of debate; but, unfortunately, your Honor, when the point was made, decided that the gentleman from St. Louis was in order, and might go on. So that, although I have a very great respect for the decisions and views of my distinguished colleagues, you will permit me to say that on the question of order I will take the decision of the Chair. The charge, then, that I was out of order—palpably and manifestly out of order—falls to the ground.

But I do not wish to continue this discussion any longer. I acknowledge the fact, however, that I am not afraid of my colleague—distinctly and unequivocally. *Even he* has not inspired me with a proper degree of terror. All his hardihood and effrontery shall shake no nerve in my system, in any sort of contest, mental, moral or physical. As to being afraid of Frank Blair, that will be tested whenever an opportunity calls for it. In the same spirit in which the gentleman threw the imputation at me, I tell him to his teeth that whenever I have an opportunity to speak my sentiments to Mr. Blair, if he should take the same view of them as my colleague, he will discover that the courage I have exhibited here in the presence *even* of my colleague, I will be able to muster when I see him.

One word more. My colleague, Mr. Broadhead, tells us that Congress has established this rule. To this I have to say that the Senate, to my knowledge, has, ever since the foundation of the Government, resisted the restriction of debate. It may be this is in part because they are not so multitudinous as the lower House, but the gentleman knows that so far from acquiescing in that rule, it has always been subject of debate with the lower House, as entrenching upon primary principles, and as justifiable only by the multitudinous character of the Assembly, and the multudinous character of the business before them. Here our object is confined to a few simple propositions, and the argument does not therefore hold good. As to the cases cited of conventions having just such questions before them as those now before us, the gentleman has utterly failed to prove their analogy. I still hold that these questions in their complications are new and require the greatest ability, calmness and patience to solve them. The gentleman says: "We are in a tempest." Why, sir, that demands the very nicest sort of navigation. When the craft is in such danger, wisdom imperatively demands that those at the helm should calmly deliberate and investigate thoroughly the chances of safety. But a resolution such as that offered by my colleague can only be calculated to confuse and increase difficulties. Sir, I am done.

The question was then put on Mr. Gantt's amendment, and the amendment disagreed to by the following vote:

Ayes—Messrs. Bogy, Breckinridge, Bridge, Bush, Eitzen, Foster, Gantt, Hendrick, Holmes, How, Isbell, Jackson, Johnson Leeper, Linton, Long, Maupin, Meyer, Rowland, Smith of Linn, Smith of St. Louis, Turner and Zimmerman.

Noes—Messrs. Allen, Bartlett, Bass, Birch, Broadhead, Cayce, Doniphan, Donnell, Douglass, Drake, Dunn, Frayser, Flood, Givens, Gorin, Gravelly, Hall of Buchanan, Hall of Randolph, Henderson, Hitchcock, Hough, Howell, Hudgins, Irwin, Jamison, Kidd, Knott, Marmaduke, Marvin, Matson, McClurg, McCormack, McDowell, McFerran, Moss, Noell, Orr, Phillips, Pipkin, Pomeroy, Rankin, Sawyer, Sayre, Scott, Shackelford of St. Louis, Stewart, Tindall, Waller, Welch, Woodson, Woolfolk, Wright, Vanbuskirk, and Mr. President.

Mr. Welch moved to amend by adding the words "without leave of the Convention." Agreed to.

The question recurring on the resolution (limiting the debate to one hour for each speaker), it was passed by the following vote:

Ayes—Messrs. Allen, Bass, Bogy, Breckinridge, Broadhead, Bridge, Bush, Eitzen, Flood, Foster, Gantt, Gravelly, Hall of Buchanan, Hall of Randolph, Hendricks, Hitchcock,

Holmes, How, Irwin, Jackson, Jamison, Johnson, Leeper, Linton, Long, Marvin, Maupin, McClurg, McCormack, McDowell, McFerran, Meyer, Orr, Rowland, Scott, Shackelford of St. Louis, Smith of Linn, Smith of St. Louis, Tindall, Turner, Vanbuskirk, Zimmerman—42.

Noes—Messrs. Bartlett, Birch, Cayce, Doniphan, Donnell, Douglass, Drake, Dunn, Frayser, Givens, Gorin, Henderson, Hough, Howell, Hudgins, Isbell, Kidd, Knott, Marmaduke, Matson, Moss, Noell, Phillips, Pipkin, Pomeroy, Rankin, Ray, Sawyer, Sayre, Stewart, Waller, Welch, Woodson, Woolfolk, Wright, Mr. President—36.

Convention adjourned until to-morrow morning at 10 o'clock.

SIXTH DAY.

Saturday Morning, July 27th, 1861.

Convention was called to order at 10 o'clock by the President (Mr. Wilson).

The Journal was read and approved.

The President announced the special order.

Mr. Broadhead moved that the report of the Committee of Seven be recommitted, with the view of enabling the Committee to perfect it. He said a very distinguished member of the body (Mr. Gamble) had been added to the Committee, and upon consultation they deemed it necessary to make some amendments.

Mr. Dunn. Before the vote is taken on that motion, I desire to submit the views I entertain with regard to the report.

Mr. Welch. I rise to a point of order. It is this: Can the main subject be discussed on the motion to recommit?

Mr. Dunn. What I desire, is to speak to the report as it has been already submitted. If the motion to recommit prevails, it may, perhaps, be well for me to indicate my views concerning it, so that the Committee can have the advantage of them.

Mr. Welch. If the gentleman intends to move that the report be recommitted with certain instructions, he may do so—but as it is, I think he is not in order.

Mr. Dunn. Mr. President, I expect to support the motion offered by the gentleman from St. Louis. I expect to show reasons why that motion should prevail. I do it by pointing out objections that exist in my mind to the report as it now stands, so that when the report is before the Committee again, if they think my objections well taken, they may amend it accordingly.

The Chair. The gentleman will proceed.

Mr. Dunn. Mr. President: The law which provided for calling this Convention declares that the Convention, when organized, "shall proceed to consider the then existing relations between the Government of the United States, the people and governments of the different States, and the government and people of the State of Missouri, and to adopt such measures for vindicating the sovereignty of the State, and the protection of its institutions, as shall appear to them to be demanded." This is the whole extent of the power conferred upon the Convention by the law calling it into existence. To vacate the offices of Governor, Lieutenant Governor, Secretary of State, and members of the General Assembly, is neither vindicating the sovereignty of the State nor protecting its institutions. It is scarcely possible to conceive of a more serious blow at the sovereignty of the State, or a more utter overthrow of its institutions, than to oust from office the Governor, Lieutenant Governor, Secretary of State, and members of the General Assembly, as recommended by the committee. And yet the proposition before the Convention goes even beyond this. After removing from office the incumbents of the Executive and Legislative departments of the State Government, and providing for the election of a Governor, Lieutenant Governor, and Secretary of State, not by the people, but by this Convention, it is proposed to assail the last citadel of liberty, the judicial department of the Government. As if distrustful of the judges elected by the people in quiet and peaceable times, it is pro-

posed to reorganize the Supreme Court of the State by electing, by this Convention, four judges in addition to the three that at present constitute the court. The evident purpose of this part of the programme is to have the Supreme Court so constituted, that it will sustain the extraordinary action of the Convention in reference to the other departments of the Government. And the Committee recommend these revolutionary measures, without proposing to give the people of the State any opportunity to ratify or reject the action of the Convention, until the August election, in the year of our Lord, 1862.

But the Constitution of our State declares "That all political power is vested in and derived from the people, and that the people of the State have the inherent, sole and exclusive right of regulating the internal government and police thereof, and of altering and abolishing their Constitution and form of government whenever it may be necessary to their safety and happiness." This Convention, representing the sovereignty of the people of the State, must, nevertheless, act in subordination to the provisions of the Constitution of the United States so long as our State continues to remain a part of the United States; so also we are equally bound to act in subordination to the Constitution of the State, so long as our State Constitution remains unchanged. I concede to this Convention, the power to amend our State Constitution; but having been elected with sole reference to our federal relations, I deem it to be our duty to abstain from entering upon the work of amending our State Constitution. And certainly, under these circumstances no amendment to the State Constitution ought to be made to take effect, until it has been submitted to and ratified by the people.

The removal of the Governor, Lieutenant Governor, Secretary of State, and members of the General Assembly is no amendment to the State Constitution. It introduces no new principle into that instrument; it takes no principle out of it; it leaves the Constitution precisely as it was before. If it were proposed to incorporate into the State Constitution a provision authorizing the removal, by a Convention of the people, of the Governor and other officers mentioned, we would be amazed at so startling a proposition, and we would at once vote it down. And yet, if we remove the Governor and the other officers, we will be acting as if such an amendment to our Constitution had already been made. If such action be necessary, the proper course would be to amend the Constitution in the manner indicated; submit that amendment to the people for ratification; and if the amendment should be ratified by the people, then, and not till then, it would be right to exercise the high prerogative of vacating the office of Governor and the other offices.

Before entering upon the discharge of our duties as members of the Convention, each one of us took an oath to support the Constitution of the United States and the Constitution of the State of Missouri, and we are as much bound by the provisions of both in revolutionary times and in the midst of civil war, as we ever were. It has been the violation of the provisions of the Constitution, that has brought our troubles upon us. Secession was a violation of the Constitution of the United States. The war inaugurated by President Lincoln for the subjugation of the seceded States was a violation of the Constitution of the United States. And let it be borne in mind, that at the former session of this Convention we were almost unanimous in condemning secession as a remedy for evils, and in condemning war as a means of restoring the Union. We hoped to save the Union by such a compromise as would secure us in the enjoyment of our Constitutional rights, and thus arrest the progress of revolution, and win back our sister States that had withdrawn. The distinguished gentleman from Pike, (Mr. Henderson,) asked this question: "Has it ever been supposed, by any member of this Convention, that any man could be elected President of the United States who could so far disregard his duties under the Constitution, and forget the obligation of his oath, as to undertake the subjugation of the Southern States by military force?" And he pronounced such conduct on the part of Mr. Lincoln as Quixotic. But few of the members of the Convention believed that the attempt would be made by the President, and the Convention were nearly unanimous in their opinion that a war for the purpose of subjugating the Southern States would be in violation of the Constitution even if declared by Congress. But when the President usurped the war-making power, and his design to subjugate the Southern States became manifest, four more States at once seceded. And this is President Lincoln's method of saving the Union. I said that "instead of coercing the seven seceded States into the Union, eight

more States would be forced out of the Union. The whole country, North and South, would be drenched with fraternal blood. I am opposed to this fratricidal strife." Such were my sentiments when the Convention was in session before, and such are my sentiments today.

My prediction that the attempt to preserve the Union by military force would lead to its destruction, is already being verified. The experiment has already resulted in the loss of Virginia, North Carolina, Tennessee and Arkansas. But I said then, "It will be a mere attempt; disaster and ruin would be the result. The Northern invaders would be driven back." This was prophetic. The terrible defeat and total route of the Federal army at Manassas has verified the prediction. If the wise recommendations of the Convention at its former session had been heeded by the country, the Union would have been saved without shedding a single drop of blood.

I can see but two alternatives now before us. One is to prosecute this war of subjugation, which must be attended with still more fearful disasters, and end in national and individual bankruptcy and the establishment of a consolidated military despotism upon the ruins of our present Constitution; the other is to recognize the independence of the Confederate States, and establish, by treaty, friendly relations with them. This treaty must concede to the border slave States the right to control their own destiny, by a free and untrammelled vote of the people. If, in that event, a majority of the people of Missouri should vote against any change in our Federal relations, the minority must submit to their decision. If a majority shall vote in favor of joining the Confederate States, let the minority in like manner submit. This would be a solution of our troubles worthy of the American people, and in harmony with the genius of our institutions.

What will be the effect of the removal of Governor JACKSON and the election of a new Governor by this Convention? Will it restore peace to the State? Either Governor JACKSON can raise a military force sufficient to return to this capitol and re-establish his power as Governor, or he cannot. If he cannot, then the contest is decided in Missouri, and however distasteful the result may be to many citizens of the State, it will be useless for them to "kick against the pricks." If Governor JACKSON can raise a military force sufficient to return to this Capitol and re-establish his power, he will do so regardless of the action of this Convention. So that the contest is one, that in spite of any action on our part, will be decided by the strong arm of military power, as shown by my friend from Clay (Mr. Moss) in his speech. Besides, the effect of the removal of Governor JACKSON will be to ostracise and outlaw the citizens of our State that rallied to his standard in response to his proclamation. And perhaps the first act of the new Governor to be elected by this Convention, will be to raise a military force in the State to meet Governor JACKSON and the troops with him, to drive them back. This will be a war of Missourians against Missourians—civil war in its most fearful and terrific form.

The new Governor to be elected by this Convention will be required to furnish the share of troops allotted to this State to make up the four hundred thousand troops called for by the President in his message. The share of this State will be over twenty thousand men. If the new Governor should refuse to comply with this call, he would probably share the fate of Governor JACKSON. The refusal of Gov. JACKSON to furnish the four regiments of men in the President's first call received the hearty approval of all the people of the State except those belonging to the Republican party. It cannot, therefore, be supposed that the people of the State will approve the action of this Convention if we elect a man as Governor who will furnish over twenty thousand troops to aid in subjugating the Southern States.

But shall we subject the people of the State to the peril growing out of two conflicting State governments? Each will attempt to maintain its authority by military power, and each will treat as traitors all who do not yield obedience. Shall the lives and liberty of the people of the State be suspended upon the decision they may make as to who is their Constitutional Governor? This is a question entirely new and of fearful import, and yet a wrong decision of it may cost a man his life. It is more difficult to solve it than any question in regard to allegiance to the United States and to the State of Missouri. I know that some assert that we owe a paramount allegiance to the Government of the United States, and others say that our primary allegiance is due to the Government of our State. There is, however, no conflict in the allegiance due to either of these Governments, National and State. We owe allegiance to the Government of the United States to the

extent of the powers conferred upon that Government by the Constitution, and we owe allegiance to the Government of our State to the extent of the powers belonging to the State Government. And as there is no conflict between the powers of the two governments, there can be no conflict as to the allegiance due to each.

Inasmuch, therefore, as the proposed action of the Convention in reorganizing the State Government will complicate our difficulties, I am constrained by a sense of duty to oppose the reorganization.

In regard to the proposed action in reference to the military law and the appropriation to buy arms, the time left me will allow of but a few brief remarks. Every State in the Union and out of it, except our own, has an efficient military organization and State arms, and it is idle to suppose that our State can be conducted safely and honorably through the present fearful revolution, without being placed on an equality with the other States in these respects. Then I would strip the military law of its obnoxious features — procure a sufficiency of State arms for our own defence and the protection of our own people, and instead of having two hostile military organizations, one under the present military law and the other organized as Home Guards, I would have but one military organization, and would have that used not for aggression but for defence. There may already be too much hostility among our people to accomplish this; but we had better not have an armed soldier in the State than to have one-half of our people engaged in shooting down the other half. It is a work worthy of this Convention to labor to heal dissensions among our people; and if we cannot arrest this civil war, we may at least mitigate its horrors and strive for an ultimate peaceful solution of our troubles.

I will interpose no factious opposition to the recommendations of the Committee, and I will vote for the recommitment, in the hope that upon a re-investigation of the whole subject, the Committee may recommend measures that will meet my approval. But, if whatever may be done by the Convention shall be submitted to the people of the State for their approval or rejection, I will cheerfully abide by the decision of the people of the State at the polls.

Mr. Birch. I shall vote for the motion to recommit the report, as, in addition to other considerations, I have received a paper in the nature of a memorial from a large number of my constituents, which I desire to have referred to that committee. It has been shown to my colleague (Judge Dunn), who has just addressed the Convention, and of whose remarks it is due to myself and to other gentlemen with whom I have been in consultation for the last thirty hours, to state, that I have either not correctly heard or understood the speech, or that I have previously somewhat misunderstood its distinguished author. Be that as it may, I trust (as I yet believe) that if the committee shall so modify its ordinance as to frankly and fully submit *all* our action here to the judgment and decision of a majority of the people of the State, my colleague and other gentlemen of like proclivities will not only "*acquiesce,*" but *concur* in the ultimate general judgment.

Respecting our mere *authority* to carry out the programme of the committee, I entertain no doubt whatever. If I chose to detain the Convention with the extracts which I have procured to be made from the speeches of the most prominent members of the General Assembly during the debate upon the consideration and passage of the law under which we were elected, they would demonstrate that whether the arguments they employed were or were not the strongest that might have been adduced in reference to the absolute *omnipotence* with which they supposed they were clothing us, they were and are at least strong enough for all the purposes of deposing the State Administration (whether in whole or in part) should it be deemed that the public exigencies—much less the *life of the State*—requires us to do so. Instead of reading these extracts however, they will be handed to our reporters, who may, if they see fit, append them as addenda to these wholly unpremeditated, because unexpected remarks. I but add, that so wholly unconcerned do I feel in respect to what appears to me so plain a proposition, that I am content to leave the decision of any case that may arise (if any shall) under our action here to the decision of the appropriate judicial tribunal of the State. I am aware that a majority of its members are regarded as having at least strong secession proclivities; but, knowing them, as we all do, to be gentlemen of the first character, both for learning and integrity, I have no desire to either add to their number or to provide for superseding them.

Respecting our *authority*, therefore, to carry out the programme before us, I repeat I have not even a *scruple*; and the people of the State

might acquiesce in that authority without a further or more direct submission to *their* authority. I am far from believing, however, (and have been so arguing ever since I reached here) that it would be the *better* course, or that we could satisfactorily excuse ourselves for not submitting our entire action to the people for the reason that the country is in the condition that it is. In my opinion, the great body of the people will vote in any election we may order, under the guaranties of our ordinance disbanding the militia, as exempt from undue influence of any kind, as we are acting here; and that, be that as as it may, we never *will* have a return of comparative peace within our borders, until the peaceful policy of this Convention and the antagonistic policy of the executive and legislative departments of the government shall have been submitted to the arbitrament of the ballot-box. The excitement, therefore, which I understand is deprecated as the result of an *election* at this period, will more probably be promoted by *withholding* our action from the ordeal of the majority, than by referring it to that arbitrament—alike omnipotent (it is but fair to presume) in voices and in arms. For one, I expect to bear myself at that election with more than ordinary circumspection—not that I can accuse myself of being more afraid of consequences than the average of my fellow-citizens, but because I deem it the duty of a Christian gentleman to do nothing which, even in its most *remote* consequences, may bring discredit upon the American ballot-box. Nor have I any legitimate reason to suppose, Mr. President, that the considerations of sorrowing yet hopeful propriety, by which I expect my own conduct will be governed, will not alike govern the conduct of the great mass of our people. In any view of the case, therefore, it seems to me that we will be as well prepared for an election a month hence as we will be a year hence—and I think better, for the reason that the antagonism which now confronts us, between what are called "State troops" and the "Union troops," must go on and increase until the questions at issue are decided by a majority of the people themselves.

After that is done, I would like to see the man—no, I would regret to *look* upon the man so persistently and so *factiously* devilish, as I would deem him to be—who would attempt to *renew* the strife of blood amongst a people who had themselves decided it upon the principle which underlies all our institutions. For myself, if the question be fairly and fully submitted, (as I doubt not it will be, when the committee come to consider and perfect their report,) I will not only acquiesce in the judgment of a majority here, but if the majority of my State are even found *against* me at the election, I will *still* acquiesce, either by acting with that majority at home, or going away and leaving the contest to others. I ask but this of other men, in my district and my State, as the ground alone upon which our unhappy complications can find their solution without the shedding of neighboring, perhaps even of kindred blood! Who, I repeat the inquiry, will be found so *wickedly* devilish as to oppose himself to this?

Mr. President, we hear much of sovereignty, State and National; but what is *true* sovereignty? Is it any thing more or less than that self-sufficient primordial power of society, which is recognized in all our constitutions, and from which all other powers are *derived?* Need it be remarked that all else called sovereignty is derivative, limited, and of course resumable or revocable at *will?* If it be but too true that this great primordial sovereignty may divest itself of even every-day liberty, as in the indirect concession of its attributes under the first Cæsar, or their more direct abnegation under the third Napoleon, it is no less true that, in its very *nature*, it is "incapable of annihilation." All, therefore, that we have or hope for under our form of government, (or any other, now or hereafter,) is dependent of course upon the direction which shall be given to, or taken by, this primordial Sampson of the State. If any one supposes that in conceding thus the simple omnipotence of the people, I am in any sense yielding the right of "secession," they simply confound the distinction which is at least present to my mind, between the authority of the people of a State to either supersede their rulers or abolish *their* government, whilst possessing no similar power in respect to the rulers or the government of the *United States*, except by a like proceeding, and a like majority of the parties to *that* government.

What I propose, then, is to intelligently and fairly submit to the judgment and decision of the People the issues which have been raised with the Federal Government by the State Government, and that for our weal or our woe we all alike abide by that decision. Let the committee, in review of its original action, leave the judiciary as it is, but preserve especially so much of their ordinance as shall annul the military law and its adjunct money and tax

bills; and as these are understood to have been the measures upon which the executive and legislative departments of the government fairly staked their political existence, and are now using them in their conflict with the Government of the United States, let the ordinance provide for the early and simultaneous election of new incumbents for these departments, conditioned, of course, upon its ratification by a majority of the people. We shall thus obtain the voice of the State; and if any man shall feel that it is for his pride too deep a humiliation, or for his ambition too great an impediment, to submit to the deliberate verdict of the *majority*, let him at least summon to himself the grace and the decency to go somewhere else, where minorities can at least more successfully *tyrannize* than they will longer be permitted to do here.

Surely, Mr. President, were I situated as the present Executive is, I could desire nothing more ardently than to be *permitted* to thus join in an appeal to the people of my State for the vindication of my measures and my conduct, and be thus either strengthened and confirmed in my position, as the result of the general public *judgment*, or be relieved from it entirely. Does he allege (as of course he does) that his measures have been taken in accordance with his best judgment of what was required by the interests and the honor of his State? The verdict of the people at the ballot-box, as between himself and his competitor, will be but the judgment of his State, to which (as well as the whilom friend who thus speaks of him) he owes all he has and is, and for whose sake he ought to be as ready to lay down the duties of an office as he has been to assume them. Nay, more—he need not be a candidate at all; for unless our ordinance of deposition be ratified by a majority of the voters he will still be Governor; and so of all the rest. If he is "all right" therefore, as I thought he was when I spoke and voted for him a year ago, he will not only be thus *willing*, but *anxious*, to know and conform to the wishes of his people, either by carrying out his purposes if sustained by a majority, or submitting to the revocation of his trust if not so sustained. It may be at least pardonable to add, that he knows how promptly I acted upon this great cardinal principle of our party, when I had the honor to represent his old district and mine, as a Senator, more than the fourth of a century ago—throwing up my place to him and to others who thought with him, when I found that their opinions, and not mine, came to be endorsed by a majority of the people who elected me; and as this is the very *essence* of Democracy, I will not permit myself to doubt but that he will show himself as loyal to the *creed* as he has ever been to the *customs* of the party. Let him but yield gracefully to this old and cardinal canon of our life-long faith, and he may at least have the glory of having contributed to preserve armed regiments of his former and his present friends from shedding each other's blood.

I know, Mr. President, how sneeringly and unreciprocally such remarks as these may be received in quarters which (*rather* presumptuously, I think,) expect to succeed in this controversy by out-talking and overawing those of us whom they deem to be their adversaries. Except in so far as they seek to overthrow the Government of the Union, which as yet I have seen no sufficient reason for doing, I am in no respect their adversary; for there is not an office upon earth which I would longer accept or hold, except upon the sense of duty and responsibility which alone sustains me here. I premonish all such, however, that I am either wholly misinformed in respect to the manner in which the minds of the "Union men" have been quietly "made up," or finesse and bayonets will never accomplish in *this* State what the people refuse by their votes. NEVER!

It occurs to me to remark in this connection, that such measures of the Administration as discomport with our judgment will not induce us to abandon the *Government*, or attach ourselves to those who have conspired its *overthrow*. If, therefore, there be those who even yet remain so undiscriminating in intellect as to be unable to perceive how a citizen may dissent from the policy of those who for the time being *administer* the Government, and yet steadily and consistently oppose the *breaking up* of that Government, I shall continue in my soul to pity and forgive such unreasoning imbecility. I did not hear the remarks of my colleague at all times with sufficient distinctness to answer how far I agree or disagree with him in what I understood to be his criticisms upon the conduct of the "Lincoln Administration;" but, if he only meant to say that since this war was inaugurated by the reduction of Fort Sumter, and the menace of our Capitol by the War Minister of the Confederate States, the Administration at Washington seems to have supposed itself reduced to the necessity of making a record which is unsurpassed in usurpation and in the assumption of

unacknowledged power; if this was all my colleague meant, we will continue friends, as we have ever been. But if my colleague means or intends that because the Administration may in this respect have violated the Constitution beyond even a reasonable excuse in the extremities to which it was driven, we should therefore abandon our old and common ground, and ally ourselves with those who owe all the status they have to a previous and comparatively causeless renunciation of the *whole* Constitution, and a war upon the Government of which it was the symbol and the bond;—if my colleague means *that* (which I am sure, however, he *cannot* mean), his own regrets cannot be more sincere than mine will be, if henceforth our pathway shall lead in opposite, though never in unfriendly, directions. I have no heart for the task, Mr. President, and think it inappropriate to our duties here to attempt a comparison between the usurpations, the robberies and the terrorism of the seceding and Confederate States on the one hand, and the like usurpations and other mal-practices of my own Government on the other hand. But this I may say, in dismissing this topic of remark, that I shall not probably be carried away from my own Government, however severely I may reprehend the errors of its *administration*, so long as the alternative is limited to an alliance with a party who have violently and causelessly (or without *sufficient* cause) *usurped* a government in violation of their allegiance to their *former* government, and who will stand before God and posterity as mainly responsible for all the consequences which *have* ensued, or which *may* ensue, from that usurpation. To-day, sir, but for the deliberate and persistent treachery of that party, Mr. Lincoln and the Republican party, whether successful or unsuccessful in the mere *Presidential* canvass, would have been as powerless as I am—nay, more so—for had he even been *elected* to the Presidency, he would have to have begged his very bread from an opposition majority in both Houses of Congress!

I do not know how I can better conclude the reference into which I have been thus beguiled by what I understood to be the course of remark of my colleague, than by repeating what I have held to for months, and that is, that the question of what is ultimately to become of the *Confederate* States, has not, necessarily, (or, as I think, legitimately) much, if any, connection with the duty of our *own* State. If I could have my way, I would so far repress my feelings with reference to the authors and contrivers of the great rebellion as to let them go—acknowledge the independence of the brave and misguided millions who think they are fighting for the honor, and even the life, of their section, as many of the misguided men are doing in our own State—and leave them to find out *their* treacherous or infatuated leaders as we have found out ours, and *give them a future accordingly*. But as I cannot have things my own way, Mr. President, either in this respect or in other respects, I will not *myself* turn traitor, or join those who do. I shall still abide by my government, as my father became sponsor for me that I would do, and as I became sponsor for my children that they would, unless the oppressions of the *Government*—as contra-distinguished from the follies or the crimes of those who *administer* it—become unbearable to a degree in which I shall realize that the God of my existence commissioned me in some measure to redress them. Then, and not until then, will I become a rebel; and not until I am ready to glory in the name of a *rebel* will I become a *secessionist*, or give "aid and comfort" to those who are.

To return from this digression: Recognizing myself as at the same time a citizen of the State and a citizen of the United States, I hope to observe towards the government of each a proper and intelligent fidelity. As a member of this body I have sworn to support the Constitution of each, and to faithfully demean myself in respect to my duties here. These duties, so far as they are rendered *imperative*, by the 5th section of the act which called us together, are "to consider the existing relations between the Government of the *United* States * * * * and the Government and people of the *State of Missouri*, and to adopt such measures for vindicating the sovereignty of the State and the protection of its institutions as shall appear to be demanded." Without, therefore, looking to the preamble for the more *general* scope of our authority, what *are* the relations at present existing between the Government of the *United* States and the Government of the *State*? Is the Government of the *State* treasonably resisting the authority of the *United* States? So I understand the charge of the appropriate judicial tribunal—headed not by a political friend of the Administration, but by the venerable appointee of Andrew Jackson, and associated with the junior appointees of Democratic Presidents, confirmed by Democratic Senates. How, then, stands

the mere *duty* of the citizen less informed, but equally willing to obey the laws, and thus preserve the peace and comparative well-being of society? To my mind, Mr. President, it is wonderful, and to be accounted for solely upon the infatuation of the era upon which we have fallen, that there should longer exist *any* division amongst us, save on the part of those who deliberately *prefer* treason to fidelity, anarchy and armies to order and tranquility. Nor will I entertain a doubt but that, if the resolves and the address of this Convention are what they should be—and which I have now no reason to doubt they *will* be—thousands now in arms or in ambush will be aroused from the delusion into which they have been betrayed, and return again to *society* on the guaranty of amnesty for the *past* with fidelity for the *future*.

But to again recur to our *duties* under the fifth section of the act which called us together. Having seen that the relation of the Government of Missouri—or rather of those who pretend to be acting under the *authority* of that Government—is that of treason to the Government of the United States, to which Government, unless its very *Constitution* be untrue, we owe "*supreme*" allegiance in respect to the point in controversy, what is the measure of our "duty" in reference to "the protection of our *institutions*," of which (I take it) the Constitution of the United States, which we have all sworn to *support*, constitutes for all the purposes of this argument "THE FOUNDATION STONE." Of course it is unnecessary to recount the conflicting representations which have reached us of the skirmishes, the battles and the alleged barbarities and wrongs of the respective parties to this unhappy contest. They are but incidents of war, and will continue until the strife be ended—perhaps with aggravations on both sides of which we need not even attempt a conception. What, then, becomes the *duty* of this sworn Convention? Clearly, to my mind, the adoption of such measures as may be most legitimately resorted to, in order to arrest and avert the otherwise portentous issue, in a manner at once compatible with the genius of our institutions, the honor of the State, and the interest and happiness of its people. Fortunately, Mr. President, our pathway in this respect has been foreshadowed to us in such an *amplitude* of what I regard the popular judgment and the popular will, that for one I can in no respect hesitate to give to the people *themselves* the opportunity of *governing* themselves according to the prayer of the petition I will presently present. If, as some persistently allege, this *Convention* of the people *misrepresented* the people in March last, and the subsequent proceedings of the executive and legislative departments of the government reflected the judgment and the will of the majority, the invocation of the ballot-box, according to the programme, which I trust may be presented in the perfected report of the committee, should constitute the acme of *their* desires as I believe it will of *ours*. I trust, therefore, that instead of further discussing or defending our own rôle of peace and Union, or of further arraigning the opposite programme of war and *disunion*, the case will be given over to the great jury of the State—the 170,000 men who "fight its battles and pay its taxes"—and that as *they* decide so we shall all decide, or at least quietly acquiesce. Can there be anything fairer in the government of a democracy than *that?*

I forbear, Mr. President, much that I might have been tempted to add, because I feel that I may be detaining the committee from *their* legitimate employment, and that until their task be executed, according to their more perfect satisfaction, ours can scarcely be said to have commenced. I again express the hope that their report will more fully embody the sense of the Convention as it is now constituted than I thought it did, when meeting it upon my arrival here, in company with other delegates, a few days since; and that, although it may not be, even in its more perfected form, all that I might individually desire, it may nevertheless be such that Union men, the State over, will yield to its recommendations their general and hearty endorsement.

Should that be so, the estimates which have been made of the popular majority by which our action will be sustained, are such as to render it at least overwhelmingly certain that we shall continue to abide by the Government of our fathers, of which none of us can say it has ever injured *us*, and which it should be our duty to heroically deliver from mal-administration *under* the Constitution, instead of cravenly *abandoning* it to those whom we deem unworthy to administer it.

NOTE BY MR. BIRCH.—*Saturday Night.*—Since writing out these remarks, in which it is not pretended that I have recalled either the exact arrangement or wording of the spoken speech, I am happy to learn that the Committee have concurred in such an ordinance as is

herein substantially foreshadowed. In so far as it may fall below the scope desired by many, it is but proper to state that it was deemed both appropriate and magnanimous that the *surgery* of the State should not be invoked beyond the *safety* of the State.

It will be seen from the extracts to which I have alluded, that no member of either House of the Assembly doubted the *authority* of the Convention to do whatever THE PEOPLE could do—*even to the unmaking of the Government itself*—but that the only question upon that occasion, as upon this, was the policy and propriety of submitting our action to the judgment and decision of the people of the State. After this shall have been done, I shall also be in favor of returning our own authority to the source from whence we received it—leaving to the new Government, which will have been instituted by the people themselves, the responsibilities of the future, whilst assuming my contingent of all the past.

As there will be appended hereto the extracts to which I have adverted, it may not be improper to remark that according to Æschines, who was himself a deputy of one of the Grecian States, in the Amphyctionic Council, and who is hence more relied upon by Anacharsis than either Herodotus or others, the author of one of the extracts was probably misunderstood (and hence misreported) when made to say that the judgments and enactments of the Amphyctions had to be voted upon by the people. Be this as it may—excluding myself, and speaking for my associates alone—it cannot be said, with truth or fairness, that the Convention of Missouri, either in the manner of assuming or of executing their trust, has fallen in any respect below the models most worthy of commendation.

THE EXTRACTS.

SENATE, January 12, 1861.—Mr. SCOTT offered an amendment submitting the action of the Convention to the people.

Mr. PARSONS opposed the amendment. He could not see that it would have any force if passed. The Convention proposed to be held was a Convention of *the people*, and while the Legislature had power to *call* it, it had *no power to limit or circumscribe its action*. Such a course would put the Legislature in the position of a dictator, as it would debar the people from exercising its *sovereign* functions except on conditions.

Mr. LYDAY followed in a few remarks of similar import as those of Mr. Parsons. He said he could not help looking upon the amendment as calculated to curtail the people's rights, and as having no binding force upon the action of the Convention. The Convention would represent the popular will, and it was not for the Legislature to say that it shall be circumscribed in its action.

Mr. HARDIN would remind the gentleman from St. Louis that by the Constitution of the State such a Convention as that which it is proposed to call has authority to change or amend the Constitution. The people of Missouri, in Convention assembled, according to the Constitution, have the inherent right to make any change in their form of government they please. It is the sum and substance of republican liberty.

January 14.—Mr. LYDAY. The Legislature had no power to limit the action of the Convention, but the Convention could, if it thought proper, limit its own action, and refer its doings to the people.

Mr. WILSON. I regard the amendment as a very important one. Suppose, Mr. President, that this Convention attempts to pass and does pass an ordinance of secession, and that they proceed further, and amend the Constitution of this State, upsetting the State Government; how is that to be caried into effect? Why, sir, it must be caried into effect either by the acquiesence of the Government now in existence, or by force organized by the Convention in opposition to the Government. * * * * I say, then, that a minority of the whole people might, through that Convention, commit us to secession, and it might, also, by changing the existing laws of the State, set itself up against the Government.

Mr. RAINS. All that this body can do, Mr. President, is to call into action the sovereign people in the character of a Convention; but when they assemble in their sovereign capacity, *they can do what they please*, and we cannot restrict them. If I was a member of that Convention, in all probability I should favor the submission of my acts to the people. *They* are the persons to decide whether they are reflecting the will of the people or not.

HOUSE—Mr. WELCH. Mr. Speaker, let us remember that in the hands of that Convention depends the destiny of this entire State. They will have the right to make a new Constitution for the State, and all the guarantees

in that instrument will be dependent upon the will of ninety-nine gentlemen in that Convention. This Convention, I say, will not be restricted by any constitutional restrictions.

Mr. HARRIS. He thought the Convention should be untrammeled—that no limitation or restriction which the General Assembly could place upon its action would have any legal or binding force. That the Convention would represent the sovereignty of the State, and could, if it thought it advisable, *abolish this Legislature itself*, or even the State Constitution. Hence the futility of attempting to limit its powers.

Mr. VEST. The Convention is *not* the creature of the Legislature. It is the creature of the sovereignty of THE PEOPLE, and we, as the Legislature acting under the Constitution, prescribe the legalized *forms* under which it must act. We know the great fundamental doctrine of our Government is the sovereignty of the people, coming through their representatives. After these delegates rise full armed from the people, then these shackles that we might impose upon them would fall off.

[In the Senate, Judge Thompson said that "it was *presumption* on the part of the Legislature to circumscribe the action of the Convention by tacking on amendments."]

HOUSE—Mr. HARMON. This bill assumes very large and extraordinary powers. It has power to change the whole foundation of our government as a commonwealth. It may change the whole fabric upon which we stand. It will have power to abolish the present system of internal improvement. It may abolish our common school system and blot it from the statute book. It has the power to abolish the whole system under which we live, and may institute an independent republic, or any other form of government that may suit the feelings of the members of that body. It is the people, meeting in their primary capacity, to abolish, if they choose, the superstructure of our present form of government, and build on the ruins thereof any form of government that the people may indicate. The Convention may, if the members thinks proper, change the qualification of voters, and adopt a property qualification. Now, I would be recreant to every trust confided to me by my constituents, not to refer the whole matter back to the people for ratification or rejection. That Convention may take this State out of the Union, or it may make an alliance with a Southern republic. It may cut the State loose from her present moorings, and cast her adrift on an unknown sea, without pilot or compass. The Convention, I hold, is *the people in the exercise of their residuary* SOVEREIGNTY—the masses speaking in their sovereign capacity. It is the Amphyctionic Council of Greece, assembled, where the whole people were required to vote on a proposition before it became a law.

ON LACEY'S AMENDMENT, JAN. 16.

"Mr. CONROW said he preferred the bill as it originally came from the committee, but he was willing to take the amendment which the gentleman from Johnston had proposed. But he could not bring himself to the conclusion that this house had the right to control the action of that Convention. When assembled, he believed they were above us, and we had no right to control them.

Mr. LACEY. I, for one, prefer the bill as it came from the committee, but a large number of my friends desired me to offer this amendment, and in the spirit of compromise I offer it, and hope the house will adopt it.

IN EXPLANATION OF VOTES.

Mr. AMENT voted against the amendment, bacause he desired the matter should be presented to the people themselves. As he viewed the matter, the Convention would have power to take Missouri out of the Union *despite* this amendment.

Mr. CUNNINGHAM preferred the original bill, without amendment, and he did not think that legally they had any right to trammel the action of the people.

Mr. RANDOLPH believed this Legislature had no right to restrict the action of the Convention.

After such an array of authority from members of the two houses, the most of whom were at least supposed to *sympathize* with secessionists at that time, and are now understood to be *avowed* disunionists, does it lie in the mouths of such gentlemen, or their party friends, to charge the Convention with either the *usurpation* of authority, or with exercising it except in the strictest *practical* deference to the judgment and the will of the people. For shame! To what shiftings and resorts may not a bad *cause* impel unprincipled and shallow *men*. Let the people decide between us.

Mr. BIRCH having conclued his remarks, the resolution to recommit the report was put to a vote and passed.

Mr. PIPKIN offered the following:

Resolved, That the Doorkeeper be required to furnish, for the use of each member, copies of the first volume of the code of 1855, and the second session acts of 1859 and 1860.

Mr. PIPKIN said:

I offer this resolution for the purpose of having the use of the Constitution of Missouri and the acts of 1859 and 1860, in which there is this Military bill that is proposed to be re-enacted by the Committee of Seven. I wish to examine these, and I do not see how I can get them except in this way.

Mr. POMEROY moved to amend by including the journals of the House and Senate. Disagreed to.

The resolution was then passed.

By Mr. STEWART:

Resolved, That the attempt to avoid the main proposition by arguing collateral issues is futile.

Mr. STEWART. I have listened with a great deal of pleasure to the remarks of gentlemen on this floor. But I feel constrained always to recur to the one great question, to wit: Why is this Convention assembled here to-day? I undertake to say, and I say it most emphatically, I say it by the record and by the Constitution, and by the Bill of Rights, that this Convention here is present in a constitutional capacity, and we are, for all practical purposes, the people of the State of Missouri. The only difference between a pure Democracy and a representative Democracy is, that in the former every man will directly participate in the management of public affairs, and that in the latter the people send their representatives to act for them, as a matter of convenience. In the crude state of society where men band together in small numbers and everybody has his say, Democracy is in its pure state; but where men are more numerous, and they can no longer all meet together, but must choose representatives from among themselves, Democracy assumes a representative form. For the purpose of a Democratic Government, a constitution is laid down, and that constitution contains within itself the means and ways of amending it. So, also, in regard to us in the State of Missouri; we have a constitution, and it prescribes two ways for amending its provisions. The one is by a two-thirds vote of two successive Legislatures, and the other is by a Convention. This Convention has full power and capacity to amend the State Constitution, and I undertake to say, looking beyond the sophistry of arguing collateral issues got up to avoid the main proposition, that the Military Bill passed by our late Legislature was gotten up to create a military despotism in this State. The bill was unconstitutional, not only so far as regards the State Government, but so far as regards the Government of the United States, for it ignores the first principle of a republican government—namely, allegiance to the supreme authority, which is the Constitution itself. It merely puts guns into the hands of the Governor for the purpose of forcing this State out of the Union, and I undertake to say again there is no sectional question about it; all the argument that is used to get up sectional feeling with regard to it, is just as futile as it would be to say that we are not here assembled together. I hear gentlemen talk on the street about "subjugating somebody," about "somebody being subjugated." Well, now, I think the sooner these men stand from under the better. There is no subjugation about it. I think when Christopher Columbus discovered this continent, there were no Americans on it except the Indians. The first white man that set his foot on this country came from Europe, and then the European races—call them what you please, the Anglo-Saxons, the Celts, the Teutons—began to pour in, and the United States, in due course of time, became a nation. When we spread the stars and stripes, we invited the whole world to come here for liberty. Here came Lafayette, and here came Steuben, and here came everybody from all parts of the world, and we belong to the same family, and shall, through future times, from one generation to another. I think our Constitution was built upon the principle that we can regulate our own Government. I look upon the United States as the paramount government; I look upon every State in it as a subordinate part of it; and I do so, notwithstanding all this talk about subjugation. I don't know how anybody can subjugate *himself*, for the United States have a perfect right to send troops into this State, and it is the interest of Missouri that the United States Government should uphold itself in this State; and I don't know how this can be construed into subjugation. I have known a man to commit suicide, but I don't see how a man can *subjugate* himself. All this talk about Mr. Lincoln subjugating the State is mere sophistry. I undertake to say that the men in the Charleston Convention who used these arguments were the very ones who elected him. There was a Democratic majority in

the country, but these men persisted in misrepresenting and falsifying things, and thus Lincoln slipped in between two parties, and got the advantage of them.

I undertake to say that Jefferson Davis, nor Yancey, nor any other man living or dead, has any more right to set up on his own hook and make a Government than I have. I would start out as a revolutionist, but if I got whipped I would acknowledge the corn. I look upon the revolution, if it is successful, as entitled to recognition as a Government. I take it for granted that if the revolutionists under WASHINGTON had failed they would have been hung as traitors; but they happened to be on the right side, and they had the God of Liberty and of Battles on their side, and they fought under the stars and stripes to boot. I think this disintegration of a Government, and the idea of getting up a military despotism for the accommodation of certain persons who think they can make more out of the Government than it is, a thing that will never be submitted to by the people of the United States. The question is whether we have got a Government, and if we have got a Government, then we have a right to protect it. We have the right to go into every State on God's earth. No, I will not say that; but into every State so far as the General Government is concerned. The General Government owns the forts and arsenals; and it is laid down in the Constitution that they have the right of protection. I think if men come here from Illinois, Iowa, Ireland or Germany, they have the right to come here. The mistake the General Government made was in not protecting itself sooner. They sat there in Washington and suffered men in the confidence of the Government to steal the guns and put them in the hands of the enemy to carry out the designs of the enemy. Now, the United States has only done its duty. When the Congress of the United States made a donation of land to the State of Missouri, the State did not own the land. There was an express provision that this land should be forever free for the transportation of the troops of the United States and munitions of war. I undertake to say, as humble an individual as I am, and as a man who never offered a bill I did not carry, and who never vetoed one that was carried over my head, [laughter]—because I was in the Convention that framed the new Constitution of the State—that, if Jackson had kept still, and let Missouri carry out the design of its organization, and conformed himself to the people speaking through this Convention, without undertaking to get up guns, he would have been better off. But when there was an arrangement made between Gen. Price and others that the State should not be subjugated, Jackson still went on organizing his forces under this most damnable military bill.

No man on earth but a despot would have assumed that amount of authority which he did in any country on earth. Now they let it all be settled by the people. I say the people are here. The Government has fooled the people in not carrying out their desires. Where you see a sore place on the body politic, the best way is to cut it right out; for if you go to playing with it, it will become a constitutional disease after a while. My opinion is, that this Convention here assembled, is to all intents and purposes *the* people of the State of Missouri, and that it is a mere question for the Convention to act upon, whether when a Government violates the rule for which it was built, it should exist any longer or not. I am opposed to its existence, not that I have anything against Jackson personally or politically, for I am no candidate for office; but I believe we have no Governor in the State, although I believe we have one who was formerly a Governor, but who is now making stump speeches in Tennessee. Now, all I have to say to the main proposition is, for God's sake stand up for the Government, stand up for the flag, stand up for the stars and stripes forever, as I shall.

Mr. SOL. SMITH offered the following:

Resolved, That the Committee of Eight be requested to report this afternoon, at three o'clock.

Mr. SMITH said: I hope, Mr. President, that we shall get to work. I think we have been passing a whole week here doing very little in open session, and I think the very time to go to work is this afternoon. I think the remark of Shakspeare will apply in this case:

> "If 'twere done when 'tis done,
> 'Twere well 'twere done quickly"

Mr. MCCORMACK moved to amend by adding, "if practicable."

Amendment accepted by Mr. SMITH.

Mr. HALL, of the Committee, remarked he had no idea they should be ready to report in the afternoon.

Mr. SMITH. I have the assurance of the Chairman of the Committee, that they will probably be ready in the afternoon.

Mr. ALLEN. I move that the Convention now adjourn until Monday morning at 10 o'clock.

Mr. FOSTER. It seems to me that if we cannot hear the report of the Committee of Eight this afternoon, we can at least hear the report of the Committee appointed to investigate the charges against our doorkeeper.

Mr. LONG. Has there been no report yet in answer to the resolution of my colleague concerning the state of the Treasury?

The CHAIR. Not yet. I understand a report is now in preparation.

The motion to adjourn to 10 o'clock on Monday morning was thereupon put and disagreed to.

Another motion, adjourning the Convention until 9 o'clock on Monday morning, was made and carried.

SEVENTH DAY.

MONDAY MORNING, JULY 29th, 1861.

The Convention met at 9 o'clock.

Prayer was offered by the Chaplain.

Mr. MORRISON, State Treasurer, presented the following report, in compliance with a resolution adopted by the Convention a few days ago:

TREASURER'S OFFICE,
City of Jefferson, Mo., July 27, 1861.

To the Honorable the Convention of the State of Missouri:

GENTLEMEN—In compliance with your resolution of the 24th inst., "That the State Treasurer be and he is hereby instructed to inform this Convention what amount of money is now in the State Treasury; and also, as early as practicable, to furnish a statement to this body showing what sums have been paid out of the State Treasury since the adjournment of the State Legislature at the close of its last session, and for what purposes, and by what authority such payments respectively have been made," I have the honor to state that there was in the State Treasury on the 24th day of July, 1861, the date of the resolution, the sum of fifty-seven thousand three hundred dollars. There has been drawn from the Treasury "since the adjournment of the State Legislature at the close of its last session," on warrants issued by the Auditor of Public Accounts, as provided by the fourth section of article five of "An act to establish and regulate the Treasury Department," approved December 1st, 1855, the sum of six hundred and thirty-five thousand and eighty-one dollars and thirty-seven cents, which amount has been paid from and charged to the following funds and appropriations, viz:

Civil officers	$22,477 34
Taking the census	448 00
Assessing and collecting the revenue	631 79
Costs in criminal cases	6,088 86
Copying laws and journals	656 33
Improvement of Capitol grounds	3,739 70
General contingent fund	275 01
Contingent expenses of Militia	697 29
do Auditor of Public Accounts	62 45
do Attorney General,	6 00
do Register of Lands,	729 27
do Governor and Secretary of State,	170 66
do State Treasurer	132 53
do Superintendent of Common Schools,	9 50
do General Assembly,	1,996 26
Printing laws and journals	13,323 76
Militia officers	16 25
Pay of Convention	183 00
Act for the relief of J. W. Clem	2,235 22
Act for the repayment of taxes improperly paid	8 93
Education of the blind	3,500 00
State Interest Fund	450,373 99
State Lunatic Asylum Fund	1,000 00
Military Fund, created by "An act to raise money to arm the State," &c., approved May 11, 1861	24,290 09

County revenue	1,727 78
Redemption of lands	355 68
General Assembly	1,065 00
Distributing laws and journals	19 50
Resolution in reference to Register of Lands	92 00
Act for the relief of W. W. Bolton,	39 00
Act for the completion of certain railroads	924 00
Act to appropriate money to pay the debts of the Missouri Penitentiary,	2,879 14
Act to pay expenses incurred in the Southwestern Expedition	81,589 82
Act authorizing the erection of a new Executive mansion	76 63
Act to provide for repairing the arms belonging to the State	330 00
Act to purchase arms for the organized volunteer militia	4,704 23
Act placing money at the disposal of the Governor for the defence of the State, approved May 10, 1861,	5,000 00
Completion of the State Armory	1,701 36
Act respecting the Deaf and Dumb Asylum, approved March 21, '61,	1,525 00
Total	$635,081 37

It is proper that I should remark that my absence in St. Louis, whither I have been in obedience to a summons from the United States Circuit Court, has prevented an earlier reply to the resolution of the Convention.

Very respectfully,
Your obed't serv't,
A. W. MORRISON, Treasurer.

On motion of Mr. GANTT, it was ordered that the report be laid on the table and three hundred copies be printed.

Mr. LONG offered a resolution instructing the Sergeant-at-arms to contract for the *Daily Republican* and *Daily Democrat* of St. Louis, for the use of the members of the Convention. He said the papers had been furnished regularly every day by the respective offices, and as the members no doubt felt desirous to obtain the news, he hoped that a permanent arrangement would be entered into.

Mr GRAVELLY moved to lay the resolution on the table. Carried.

Mr. BROADHEAD, from the Committee of Eight, stated that the amended report of the Committee had been handed to the public printer, but that the printed copy had not arrived yet. The printer had promised to have them ready at the opening of the morning session, and they would no doubt arrive shortly.

Mr. WELCH moved that the Convention take a recess, subject to the call of the Chair. Agreed to.

INFORMAL MEETING.

Mr. GANTT moved that Mr. MCFERRAN take the chair for an informal meeting, and that Maj. PHELPS be invited to address them. Agreed to.

Mr. MCFERRAN took the chair.

Mr. PHELPS then came forward and spoke as follows:

Mr. President, and Gentlemen of the Convention:

Unexpectedly have I been called upon to address you upon the troubles existing in this State. I came here as a spectator to witness the deliberations of this Convention, which, at this time, as I believe, holds in its hands the destinies of Missouri. You were called together by the Legislature, at a time when there was a shroud of gloom over the political affairs of this nation. Some States had madly shot from their true path and disavowed their allegiance to the Government, and one determined to take up arms against it. By many it was deemed suitable action to have the people assemble in their primary capacity, through their representatives in the Convention, duly called by the Legislature, to express their sentiments upon the political crisis of the country; an election for delegates to a State Convention was ordered in Missouri, and the people manifested almost unanimity in their opinions, viz: that there was no good cause for Missouri to dissolve the bonds which united her to this Confederacy. Whilst troubles have prevailed in this State, whilst we have had an Executive who has sought to plunge the State into civil war, aided by counsellors who did not reflect the will of the people, as I believe, you find the people still remaining true to their allegiance and opposing the strong barrier of public judgment and indignation to the sway of faithless demagogues. You find them condemning the legislation made at the late called session of the Legislature as oppressive, unconstitutional and onerous; you find them proclaiming in a loud and unmistakable voice: "We will not have the credit of the State destroyed; we will not let our children be deprived of their common school education; we will not turn our lunatics loose; we will not be driven into a position hostile to the Government of the United States, and be taxed for the means

of carrying on a war which is foreign to our desires."

Gentlemen of the Convention, we are in the midst of a political crisis, such as has never before befallen this country. Our own State is suffering severely from the current of events. Civil war has arisen in our midst, and is doing its work of devastation and woe. The wheels of commerce are paralyzed, trade has become stagnant, and a general depression reigns throughout the land. At a time when our people were least able to bear an increase of taxation, the military bill was enacted by the Legislature, and all agencies were set at work to carry out its provisions. Oppressive and unconstitutional as it was, the chief Executive of the State was yet determined to enforce it against the will of the people and summon it in aid of his treasonable schemes. We find him engaged in a conference with the military authorities of the United States, yet, without achieving a satisfactory result, because he required of them that no more troops of the United States should be marched into the State, and that those who were here should remain where they were then stationed. I have yet to learn that the marching of troops anywhere within the jurisdiction of the United States is an invasion of a State. The power to raise and support armies is clearly given to the United States in the Constitution. According to the views contended for by some citizens it would seem that the United States Government cannot raise any army unless it be stationed within the District of Columbia, or the United States territories, or unless the Government obtains the assent of the States in advance. But to return to my argument, we find the Governor immediately afterwards issuing a proclamation for 50,000 men with whom to repel the pretended invasion. We see him retreating from the Capitol, engaged in a contest at Boonville, then making his way into South Missouri, and seeking refuge with a neighboring State. His march through the State at the head of his troops was marked by destruction and desolation. He came through the midst of my district, and those living upon the line of march were despoiled of their property, without, in many instances, receiving so much as his scrip for compensation. Men were impressed under his direction and compelled to take the oath under peril of their lives.

But what, gentlemen, is the remedy for the evils into which we have thus been plunged by a reckless Executive? I presume there is not one within the sound of my voice but who is desirous of peace. I presume there is not one among us but who would spare Missouri the horrors and calamities of civil war. We are divided in this State in two parties, the Secession party and the Union party, so termed. By Union men I mean all those who are opposed to the doctrine of revolution against the General Government for the alleged causes. Now what is the remedy? Neither of your Executive officers is here. The men in high places have fled. There is a Grand Jury now sitting in St. Louis, and I have no doubt that if there is a sufficient evidence to justify an indictment for treason against the one or the other of them, such indictment will be made. Our Government, for the last six weeks, has been running slipshod. The sense of security of person and property has departed from the public mind. Home Guards have been formed in various parts of the State, and no lawyer need be told by me that they are without commission, and have no law to sanction them except the law of necessity and self-defence. They are intended to be an effective organization for good, but you need law to accomplish this purpose. You have not that sanitary control over them, without the sanction of law, which is needed to make masses operate with unanimity. Their officers are without commission. They cannot enlist under the Military Law. They must therefore apparently enlist against the law of the State. What then, would seem to be your duty? Undoubtedly to annul the military law, and enact some other law under which citizens of this State can conscientiously organize. Gentlemen, it is your duty to legalize these Home Guards who have risen in a moment of peril and defended their homes and families against the attacks of men pretending to act under cover of law, but really setting all law and principle at defiance. Our Executive officers having left us, I hold it to be your duty to provide a temporary Government, until such time when the people can elect other officers. You should propose such amendments to the Constitution as will, in your opinion, best promote the welfare of the State under these trying circumstances; and I submit to you whether it is not best for you to appeal to the people for ratification of whatever action you may see proper to take. Such a course, although perhaps not strictly necessary, would still be in harmony with the spirit of our democratic institutions. Let the

people in their collective majesty declare what is the popular will, and I have no doubt that your efforts for the welfare of the State and the general peace will be triumphantly vindicated. If you revive the militia law which has been upon the statute book and was repealed at the extra session of the Legislature, I have no doubt the people of the State will sustain you by a large majority. Nay, more, I do not know a single law which was enacted by that Legislature which meets with the concurrence of the people of a single county in the District which I have the honor to represent in Congress. There may be one or two counties where parties are nearly equally divided, but there is an overwhelming majority against all the revolutionary movements of the Executive and his followers.

Gentlemen of the Convention, we at the south are at this moment threatened by two invasions from Arkansas. I ask you what has Missouri done that the people of Arkansas should invade her? What wrong have we perpetrated—what injustice done them? Have any troops of this State invaded theirs? Has any person under sanction of the authority of the laws of this State done that State any injury, or indignity, or dishonor? The answer to these questions is in the negative. There is no doubt that they have been invited into the State by persons plotting against her welfare. I ask you, then, gentlemen, that you defend the people upon the border from these ruthless invasions. You can do it either by causing the forces of this State to co-operate with those of the United States, or by combining the United States forces now in the State with such State troops as may be raised under the authority of law. Perhaps even at this momoment, when I am addressing you, the army of invaders may be marching upon the town near which I reside—an army supposed by many to be 25,000 strong—and although by means of our home organization we would deem ourselves alone sufficient to repel them, still we want the *sanction of law* for the work.

I have no doubt, gentlemen, that many of those now following the fortunes of Jackson, have been deluded into their path by wicked misrepresentations and the arts of beguiling men. Undoubtedly, if the citizens of Missouri now in Arkansas would return to their homes and lay down their arms, they would receive protection at your hands. You cannot, in a contingency like the present, pursue, with the vindictiveness of outraged law, every man who may have been engaged in their violation. Some must be made examples of, while the majority of those who show signs of returning loyalty and orderly conduct must be permitted to resume their wonted occupations in peace. But I pray you to use all your energy in stopping the ravages from which the southern border of this State is now suffering. Give our organization the sanction of law—give us what aid we require in repelling our invaders; restore to us our sense of security by infusing new vigor into the machinery of government!

Gentlemen, when I came here, I did not expect to address you. I speak with some difficulty, having been much fatigued for the last two or three months by my labors for the preservation of peace among the people where I live. We of Southwest Missouri have endeavored to defend ourselves as well we could. The rest we leave to you. I trust your deliberations will result in the restoration of peace. I believe you have come here actuated by patriotic motives, and determined to accomplish this long looked for, long wished for result. [Great applause.]

On motion of Mr. GANTT, the thanks of the Convention were tendered to Major Phelps for his address.

Mr. WELCH said he understood Major Oliver was present. He would call upon him to favor the Convention with an address.

Major OLIVER rose in his seat and declined saying anything at present. He would take occasion to address the Convention at some other time.

The informal meeting was thereupon dissolved.

After recess Mr. BROADHEAD submitted the amended report of the Committee of Eight, as follows:

TO THE PEOPLE OF THE STATE OF MISSOURI.

Your delegates assembled in Convention propose to address you upon the present condition of affairs within our State.

Since the adjournment of this Convention in March last, the most startling events have rushed upon us with such rapidity that the nation stands astonished at the condition of anarchy and strife to which in so brief a period it has been reduced. When the Convention adjourned, although the muttering of the storm was heard, it seemed to be distant, and it was hoped that some quiet but powerful force might be applied by a beneficent Providence

to avert its fury and preserve our country from threatened ruin. That hope has not been realized. The storm in all its fury has burst upon the country, the armed hosts of different sections have met each other in bloody conflict, and the grave has already received the remains of thousands of slaughtered citizens. Passion, inflamed to madness, demands that the stream of blood shall flow broader and deeper, and the whole energies of a people, but a few months since prosperous and happy, are now directed to the collection of larger hosts, and the preparation of increased and more destructive enginery of death.

Your delegates enjoy the satisfaction of knowing that, neither by their action nor their failure to act, have they in any degree contributed to the ferocious war spirit which now prevails so generally over the whole land. We have sought peace, we have entreated those who were about to engage in war to withhold their hands from the strife, and in this course we know that we but expressed the wishes and feelings of the State. Our entreaties have been unheeded; and now, while war is raging in other parts of our common country, we have felt that our first and highest duty is to preserve, if possible, our own State from its ravages. The danger is imminent, and demands prompt and decisive measures of prevention.

We have assembled in Jefferson under circumstances widely different from those that existed when the Convention adjourned its session at St. Louis.

We find high officers of the State Government engaged in actual hostilities with the forces of the United States, and blood has been shed upon the soil of Missouri. Many of our citizens have yielded obedience to an ill-judged call of the Governor and have assembled in arms for the purpose of "repelling the invasion of the State by armed bands of lawless invaders," as the troops of the United States are designated by the Governor in his proclamation of the 12th day of June last.

We find that troops from the State of Arkansas have come into Missouri for the purpose of sustaining the action of our Governor in his contest with the United States, and this at the request of our Executive.

We find no person present, or likely soon to be present, at the seat of government to exercise the ordinary functions of the Executive department or to maintain the internal peace of the State.

We find that throughout the State there is imminent danger of civil war in its worst form, in which neighbor shall seek the life of neighbor, the bonds of society shall be dissolved, and universal anarchy shall reign.

If it be possible to find a remedy for existing evils and to avert the threatened horrors of anarchy it is manifestly the duty of your delegates assembled in Convention to provide such remedy. And in order to determine upon the remedy, it is necessary to trace very briefly the origin and progress of the evils that now afflict the State.

It is not necessary that any lengthy reference should be made to the action of those States which have seceded from the Union. We cannot remedy or recall that secession. They have acted for themselves, and must abide the consequences of their own action. So far as you have expressed your wishes, you have declared your determination not to leave the Union, and your wishes have been expressed by this Convention.

Any action of any officer of the State in conflict with your will thus expressed, is an action in plain opposition to the principles of our Government which recognize the people as the source of political power, and their will as the rule of conduct for all their officers. It would have been but a reasonable compliance with your will, that after you had, through this Convention, expressed your determination to remain in the Union, your Executive and Legislative officers should not only have refrained from any opposition to your will, but should have exerted all their powers to carry your will into effect.

We have been enabled to ascertain by some correspondence of different public officers, accidentally made public, that several of those officers not only entertained and expressed opinions and wishes against the continuance of Missouri in the Union, but actually engaged in schemes to withdraw her from the Union, contrary to your known wishes.

After the adjournment of your convention in March, which had expressed your purpose to remain in the Union, Governor Claiborne F. Jackson, in a letter addressed to David Walker, President of the Arkansas Convention, dated April 19, 1861, says: "From the beginning my own conviction has been that the interest, duty and honor of every slave-holding State demands their separation from the Northern or non-slaveholding States." Again, he says: "I have been from the beginning in favor of

decided and prompt action on the part of the Southern States, but the majority of the people of Missouri, up to the present time, have differed with me." Here we have the declaration of his opinion and wishes, and the open confession that a majority of the people did not agree with him. But he proceeds: "What their future action (meaning the future action of the people) may be, no man, with certainty, can predict or foretell; but my impression is, judging from the indications hourly occuring, *that Missouri will be ready for secession in less than thirty days, and will secede if Arkansas will only get out of the way and give her a free passage.*

It will presently be seen by an extract from another letter what the Governor means by being "ready for secession," but it is very remarkable that he should undertake not only to say that she would be ready to secede in thirty days; but further, that "*she will secede,*" when in fact yonr Convention at that time stood adjourned to the third Monday of December next. His declaration, that the State would secede, is made, doubtless, upon some plan of his own, independent of the Convention.

Nine days after this letter to the President of the Arkansas Convention, he wrote another addressed to J. W. Tucker, Esq., the editor of a secession newspaper in St. Louis. This letter is dated April 28, 1861. The writer says:

"I do not think Missouri should secede today or to-morrow, but I do not think it good policy that I should so openly declare. *I want a little time to arm the State,* and I am assuming every responsibility to do it with all possible dispatch."

Again, he says, "*We should keep our own counsels.* Everybody in the State is in favor of arming the State; then let it be done. All are opposed to furnishing Mr. Lincoln with soldiers. *Time will settle the balance. Nothing should be said about the time or the manner in which Missouri should go out.* That she ought to go and will go at the proper time I have no doubt. She ought to have gone last winter, *when she could have seized the public arms and public property and defended herself.*" Here we have the fixed mind and purpose of the Governor that Missouri shall leave the Union. He wants time — a little time to arm the State. He thinks secrecy should be preserved by the parties with whom he acts in keeping their counsels. He suggests that nothing should be said about the time or the manner in which Missouri should go out, manifestly implying that the time and manner of going out which he and those with whom he acted proposed to adopt, was some other time and manner than such as was to be fixed by the people through their Convention. It was no doubt to be a time and manner to be fixed by the Governor and the General Assembly, or by the Governor and a military body to be provided with arms during the "little time" needed by the Governor for that purpose. There has been no specific disclosure made to the public of the details of this plan, but the Governor expresses his strong conviction that at the *proper time* the State will go out.

This correspondence of the Governor occurred at a time when there was no interference by soldiers of the United States with any of the citizens or with the peace of the State. The event which produced exasperation through the State—the capture of Camp Jackson—did not take place until the 10th of May. Yet the evidence is conclusive that there was at the time of this correspondence a secret plan for taking Missouri out of the Union without any assent of the people through their Convention.

An address to the people of Missouri was issued by Thomas C. Reynolds, the Lieutenant Governor, in which he declares that "in Arkansas, Tennessee, and Virginia, his efforts have been directed unceasingly to the best of his limited ability to the promotion of our interests, indissolubly connected with the vindication of our liberties, and our speedy union with the Confederate States." Here is the second Executive officer of Missouri avowedly engaged in travelling through States, which he must regard while Missouri continues in the Union as foreign States, and in those States endeavoring, as he says, to promote the interests of our State. The mode of promoting our interests is disclosed in another passage of the address, in which he gives the people assurance "that the people of the confederate States, though engaged in a war with a powerful foe, would not hesitate still farther to tax their energies and resources at the proper time, and on a proper occasion, in aid of Missouri." The mode of promoting our interests, then, was by obtaining military aid, and this while Missouri continued in the Union.

The result of the joint action of the first and second Executive officers of the State has been, that a body of the military forces of Arkansas has actually invaded Missouri, to carry out

the schemes of your own officers, who ought to have conformed to your will as you had made it known at elections, and had expressed it by your delegates in Convention.

Still farther to execute the purpose of severing the connexion of Missouri with the United States, the General Assembly was called, and when assembled sat in secret session, and enacted laws which had for their object the placing in the hands of the Governor large sums of money to be expended in his discretion for military purposes, and a law for the organization of a military force which was to be sustained by extraordinary taxation, and to be absolutely subject to the orders of the Governor to act against all opposers, including the United States. By these acts, schools are closed, and the demands of humanity for the support of lunatics are denied, that the money raised for the purposes of education and benevolence may swell the fund to be expended in war.

Without referring more particularly to the provisions of these several acts, which are most extraordinary and extremely dangerous as precedents, it is sufficient to say that they display the same purpose to engage in a conflict with the General Government, and to break the connection of Missouri with the United States, which had before been manifested by the Governor.

The conduct of these officers of the legislative and executive departments has produced evils and dangers of vast magnitude, and your delegates in Convention have addressed themselves to the important and delicate duty of attempting to free the State from these evils.

The high executive officers have fled from the seat of Government and from the State, leaving us without the officers to discharge the ordinary and necessary executive functions. But, more than this, they are actually engaged in carrying on a war within the State, supported by troops from States in the Southern Confederacy; so that the State, whilst earnestly desiring to keep out of the war, has become the scene of conflict without any action of the people assuming such position of hostility.

Any remedy for our present evils, to be adequate, must be one which shall vacate the offices held by the officers who have thus brought our troubles upon us.

Your delegates desire that you shall by election fill these offices by persons of your own choice, and for this purpose they have directed, by ordinance, that an election shall be held on the first Monday in November. This time, rather than one nearer at hand, was selected so as to conform to the spirit of the provision in the Constitution, which requires three months' notice to be given of an election to fill a vacancy in the office of Governor. But, in the meantime, much damage might happen to the State by keeping the present incumbents in office, not only by leaving necessary Executive duties unperformed, while they prosecute their war measures, but by continuing and increasing the internal social strife which threatens the peace of the whole State. Your delegates judged it necessary that in order to preserve the peace, and in order to arrest invasions of the State, that these Executive offices should be vacated at once, and be filled by persons selected by your delegates until you could fill them by election. They have, therefore, made such selection as they trust will be found to be judicious in preserving the peace of the State.

The office of Secretary of State has not been mentioned before, and it is sufficient to say, that Benjamin F. Massey, the present incumbent, has abandoned the seat of Government, and has followed the fortunes of the Governor, taking with him the seal of State. As an instrument of evil he may be employed by the Governor in action deeply injurious to the State; and he has been dealt with by your delegates in the same manner as the Governor and Lieutenant Governor.

In regard to the members of the General Assembly, it is only necessary to say that, by the enactment of the law called the military bill, which violates the Constitution and places the entire military strength of the State at the almost unlimited control of the Executive, and imposes onerous burdens upon the citizens for the support of an army, and by the passage of general appropriation acts which give to the Executive the command of large funds to be expended at his discretion for military purposes, thus uniting the control of the purse and the sword in the same hands, they have displayed their willingness to sustain the war policy of the Executive, and place the destinies of the State in the hands of the Governor.

The offices of the members of the General Assembly have therefore been vacated and a new election ordered, so that you may have an opportunity of choosing such legislative representatives as may carry out your own views of policy.

In order that the schemes of those who seek to take Missouri out of the Union may not farther be aided by the late secret legislation of the General Assembly, your delegates have by ordinance annulled the military law, and such other acts as were doubtless passed for the purpose of disturbing the relations of the State with the Federal Government.

These are the measures adopted by your delegates in Convention for the purpose of restoring peace to our disturbed State, and enabling you to select officers for yourselves to declare and carry into effect your views of the true policy of the State. They are measures which seem to be imperatively demanded by the present alarming condition of public affairs, and your delegates have determined to submit them to you for your approval or di-approval, that they may have the authority of your sanction, if you find them to be adapted to secure the peace and welfare of the State.

There are some who question the power of the Convention to adopt these measures. A very brief examination of this question of power will show that the power exists beyond doubt.

It is one of the fundamental principles of our government that all political power resides in the people, and it is established beyond question, that a Convention of delegates of the people, when regularly called and assembled, possess all the political power which the people themselves possess, and stands in the place of the assemblage of all the people in one vast mass. If there be no limitation upon the power of the Convention, made in the call of the body, then the body is possessed of unlimited political power. If it be a State Convention, then there is a limitation upon it, imposed by the Constitution of the United States.

If we state the position of the opponents of the powers now exercised by this Convention in the strongest form, it is this: The Convention was called by an act of the General Assembly for specific purposes declared in the act, and therefore the people in electing delegates under that act intended to limit the Convention to the subjects therein specified, and the action taken by the Convention in vacating state offices is not within the scope of the subjects thus submitted to the Convention.

It is very well understood by all that a Convention of the people does not derive any power from any act of the Legislature. All its power is directly the power of the people, and is not dependent upon any act of the ordinary functionaries of the State. It cannot be claimed, in the present case, that we are to look at the act of Assembly referred to for any other purpose than to find whether there is any limitation imposed by the people upon the powers of the Convention, by electing the Convention under the act. If it be examined with that view, and if it be conceded that any of its provisions were designed to limit the powers of the Convention, it will be seen that all the Convention has done comes clearly within the scope of the powers designed to be exercised.

The fifth section of the act provides that the Convention, when assembled, "shall proceed to consider the then existing relations between the Government of the United States, the people and the governments of the different States, and the government and people of the State of Missouri, *and to adopt such measures for vindicating the sovereignty of the State and the protection of its institutions as shall appear to them to be demanded.*" The measures to be adopted are to be such as the Convention shall judge to be demanded in order to vindicate the sovereignty of the State and protect its institutions. Those measures are left to the judgment of the Convention, and may reach any officer or any class of persons.

Let us take the case, then, of an armed invasion of the State by troops from Arkansas, either invited or headed by the Governor of Missouri. The vindication of the sovereignty of the State may demand that such invasion be repelled by force, and every person can see that while the forces of Missouri may be employed in repelling the invasion, it is perfectly obvious that the vindication of our sovereignty requires that the Governor, who is by the Constitution the Commander-in-Chief of the army of the State, must be removed from that office when he is actually engaged in leading or inciting the invasion. To consider the relations existing between the people and Government of Arkansas and the people and Government of Missouri, and to adopt measures to vindicate our sovereignty, imperatively demands in the case supposed, and which actually exists, that the Commander-in-Chief of Missouri be removed from his office.

This case is stated merely as an illustration of the principles upon which the Convention has felt itself bound to act. Other cases equally strong, and equally demanding the interposition of the Convention, might be stated as actually existing, but that now stated is suffi-

cient to put you in possession of the principle upon which the action of the Convention rests. It is clearly an action demanded by the duty of vindicating the sovereignty of the State, and it applies to the other persons removed from office by the Convention upon the ground that they are all involved in the same scheme for assailing the sovereignty of the State.

In relation to the members of the General Assembly, the convention are aware that all the members did not participate in the action which is regarded as an attempt to destroy the institutions of the State by destroying her connexion with the Union and thus overturning the institutions which she has as one of the United States. But no distinction could be made among the members on account of their individual opinions. The body was necessarily treated collectively.

And now having stated the necessity for the action of the Convention, and the principles which have governed its action, your delegates submit the whole for your consideration and calm judgment. They have felt their own position and that of the State to be peculiar. They have looked over Missouri and beheld the dangers that threaten her. They desire to avert them. They desire to restore peace to all her citizens. They have adopted the measures which in their judgment gave the highest promise of peace and security to all her citizens. If the measures adopted should have the desired effect, your delegates will feel that gratification which always attends the success of well intended effort. If the measures should fail to restore peace, your delegates will find consolation in the fact that they have done what they could.

The printed copies not having arrived yet, Mr. WRIGHT moved that the Convention adjourn until 2 o'clock, P. M.

Mr. BIRCH, by leave, offered the following:

Resolved, That for the prompt and regular payment of the interest on the State indebtedness we recognize no legitimate excuse in the present or prospective condition of the country, and that we commend it as being pre-eminently the duty of the State.

Mr. WRIGHT moved to lay the resolution on the table.

Mr. BIRCH said he should regard the vote as a test vote.

Messrs. WRIGHT, DUNN and MARMADUKE severally stated that they did not consider that in voting in the affirmative they voted in favor of repudiation.

The motion to lay on the table was lost.

Mr. DUNN then offered the following as a substitute:

Resolved, That it is the duty of the State to provide for the prompt payment of the interest and principal of the State indebtedness; and that we deeply regret, owing to the disturbed condition of the country, that the July interest this year was not promptly paid.

Mr. HALL of Buchanan. That was not the reason. I suggest the reason was because the Legislature passed an act saying it should not be paid. [Laughter.]

Mr. DUNN. I was not aware of that.

Mr. STEWART offered to amend the substitute by adding that the State will not repudiate any of her legal obligations. Amendment accepted by Mr. Dunn.

On motion of Mr. HITCHCOCK, Mr. Birch's resolution was amended by inserting the words "for default," so as to make the resolution read—*Resolved*, That for default in the prompt and regular payment of the interest, &c.

Mr. WELCH moved to lay the substitute on the table. He said the difference between the resolution and the substitute is about this: They both declare that it is the duty of the State to meet all her financial engagements; but from that point they differ. The gentleman from Ray, Mr. Dunn, expresses a mere regret at the repudiation of the State. The gentleman from Clinton, Mr. Birch, condemns the act, and does not regret it. I, for one, sir, am desirous to express my condemnation of the act and not my mere regret for it. That is the distinction between the two resolutions, and I therefore move to table the substitute.

Mr. GANTT seconded the motion.

Mr. SAWYER. I should like to ask a question for information. Had the State, at the time the interest was due, the money to pay it? I believe, from the report of the Treasurer, that the money was not in the Treasury. The State was not in default at the time this money should have been paid.

Mr. WELCH. For the information of my friend, I would remark that under the recent Bank Law, for the suspension of specie payment, the banks obliged themselves, as a condition, to contribute each a proportionate amount, so as to make up five hundred thousand dollars for the payment of the July interest upon the bonds of the State. I understand that the money has since been received, so at least it would appear from the report of the State Treasurer.

Mr. Hall. I understand they have applied that to the revenue bonds.

Mr. Sawyer. I understand the money has not all been paid in by the banks. Thus, for instance, the Farmers' Bank of Lexington has not paid its share. They were here on the day appointed, but the Treasurer was not in his office. Now, by this resolution, we are casting a reflection upon the State for not paying that which she had not the means at the time to pay.

Mr. How. I will state that, to my knowledge every Bank of St. Louis has paid its share of the $500,000 with the exception of only one—the Exchange Bank—that Bank not considering itself bound to pay.

Mr. Breckinridge. I am informed that this is the state of affairs. By the action of the last Legislature the sum of $500,000 was to be contributed by the Banks, on certain conditions, to be used for certain purposes. A large proportion was contributed by the Banks; a portion has not yet been contributed. Certain revenue bonds of the State falling due in the month of June last, and issued to pay interest due in 1858, were paid by the State authorities out of the money so contributed, and perhaps a small balance was paid into the State Treasury. As I am informed, the Legislature, some months ago, authorized the Governor to raise a fund with which, if other resources failed, to pay the interest due in July last. This fund was to be raised by selling the stock of the State in the Bank of the State of Missouri, and by the issue and sale of the bonds for the amount of the balance. The Governor did not sell the Bank stock, did not issue the bonds, and the interest was not paid.

Mr. Stewart. My recollection of the law is, that in 1858 the State issued revenue bonds, not having money. That was paid first, having fallen due first. I think that is the law.

The motion to table was then put, and carried, by the following vote:

Ayes—Messrs. Allen, Bartlett, Birch, Bogy, Breckinridge, Broadhead, Bridge, Bush, Calhoun, Cayce, Collier, Douglass, Drake, Eitzen, Foster, Gantt, Gravelly, Hall of Buchanan, Henderson, Hitchcock, Holmes, How, Irwin, Isbell, Jackson, Jamison, Johnson, Kidd, Leeper, Linton, Long, Marvin, Maupin, McClurg, McCormack, McDowell, McFerran, Meyer, Morrow, Noell, Orr, Phillips, Pomeroy, Rankin, Ray, Rowland, Scott, Shackelford of St. Louis, Smith of Linn, Smith of St. Louis, Stewart, Tindall, Turner, Welch, Woolfolk, Vanbuskirk, Zimmerman, Mr. President—58.

Noes—Messrs. Bass, Bast, Donnell, Dunn, Frayser, Flood, Givens, Hatcher, Hough, Howell, Hudgins, Knott, Marmaduke, Matson, Moss, Pipkin, Sawyer, Sayre, Waller, Woodson, Wright—21.

The question recurring on the original resolution,

Mr. Dunn said: I have a solitary objection to the resolution of my colleague, and it is for the purpose of steering clear of it that I introduced my substitute. It is this: His resolution imputes to the State a failure to pay the July interest without any sufficient cause; that is an imputation upon the honor of the State. My colleague and myself agree in condemning in the strongest possible language any legislation calculated to avoid the payment of the interest on the public debt. But I do not think that the honor of the State should be impugned, and I hope my colleague will change the phraseology of his resolution accordingly; if he does, I will vote for it.

Mr. Birch. Then I am entirely satisfied if my colleague will listen again to the reading of the resolution, he will find it is not susceptible of his interpretation. The resolution does not denounce the State, but those who have been instrumental in withholding the interest on the State debt and bringing about the present state of affairs.

Mr. Knott. I hope I am as much in favor of the State of Missouri promptly discharging her financial engagements as any member on this floor. I, however, voted to lay the resolution offered by the gentleman from Clinton (Mr Birch) on the table, simply for the reason that I, for one, was not, and am not now, sufficiently advised as to all the facts involved in the default of the State to meet the payment of this interest. I understand that the Legislature made provision for the sale of the stock in the Bank of the State of Missouri to the amount of half a million of dollars, and made provision for the sale of the revenue bonds, to make up the deficit in the payments of the State interest due 1st of July, 1861; that, furthermore, it required the Banks to pay over, according to the amount of their respective capital stock, the sum of $500,000, to discharge the revenue bonds falling due on the 1st of July, 1861, and the interest that might be due on these bonds at that time. These I understand to be the facts. This provision was made for the payment of the State interest in July, and for the

payment of the revenue bonds falling due at that time I do not know why this Bank stock has not been sold, nor why the revenue bonds have not been. I presume that neither of these transactions have taken place, and that from the failure of the sale of the Bank stock and revenue bonds, we did not get the money for the payment of the interest at all. So far as the revenue bonds are concerned, I understand these to be the facts: A member of the banks procured revenue bonds, due on the 1st of July and paid them into the Treasury instead of gold and silver. What arrangement they made with the bondholders I do not know. It was simply for the reason that I did not know what the facts in this question really were, that I voted to lay this matter upon the table, until the House could be properly informed as to the true facts of the case. I think it the duty of every member of this Convention, before voting upon such a question as this, to understand the reasons involved in the default. I for one can say that I am not sufficiently informed, and that, if I vote, I must vote in the dark. Hence I think this matter should be referred to a committee, or that some means should be devised by the Convention to arrive at the facts of the case. I am as much in favor of paying the State indebtedness as any man, and am willing not only to give my vote, but my influence, at all times and under all circumstances, to provide for, and secure the prompt payment of, our indebtedness; but when called to vote upon specific questions, I like to know the facts involved.

Mr. Howell. I desire to submit a few remarks defining my position and my views on the proposition contained in the resolution now before us. I think, sir, that that is a matter that we legitimately have no jurisdiction over in any way. It is a matter out of which no practical good can be eliminated that I am aware of. If the central idea is that Missouri recognizes a legal and moral obligation to meet her indebtedness, and that she is opposed to any repudiation of her obligations, I must respond to it with all my heart. I am not only, sir, practically a paying man in all my private obligations, but as a citizen of Missouri, I am in favor of the State meeting all her obligations; but is that the pith of this resolution? Does the resolution point to any definite or practicable action of this body? Does it propose to remedy that in which we have been in default? Not at all. It is a mere expression of opinion about a matter which I suppose this Convention has no jurisdiction over. I am opposed to making entangling issues before the people. I think the affirmative and practical action which will be taken by this Convention will, perhaps, convulse and disturb the country sufficiently, without our making issues here with the Legislature which we are about to depose. In the deposition of that Legislature, should it be carried by this Convention, the opinions of this Convention will, perhaps, be defined with sufficient certainty as to the action of that special session of the Legislature. I came here, sir, for the special purpose of using all the ability and power I possess in tranquilizing and harmonizing the country. I came here to oppose all questions and issues that might have a tendency to disturb the country, because it is alarmingly and fearfully disturbed at the present time. Will any gentleman question or pretend that a measure, in which is contained the idea conveyed in that resolution, would be promotive of this purpose? Is it not a matter that will go out into the country and produce acrimonious feeling which will enter into the election proposed to be held in November next, and divide men's opinions upon the great practical questions which will be submitted to the people? For this reason, and for the apparent censure which I say has nothing practical in it, I am not disposed to vote for the resolution. But material as the whole thing is, it is pregnant of no good at all. If the simple proposition were presented, that Missouri recognizes her legal and moral obligations, and that she will provide for their cancellation and payment by all the means at her disposal, I would as cheerfully vote for a proposition of that kind as any man on this floor; but I do not understand that to be the central idea of this resolution. There is no disagreement about that matter. The proposition offered by my friend from Ray (Mr. Dunn) embodied the true idea, and why was it not adopted? Because it is desired that an issue shall be made with the Legislature which we are about to expel. Is there any good in that? Is it going to tranquilize the country here, or promote the interests of our constituents, who are laboring under the fearful excitements which now convulse the country? I contend that the resolution is an unnecessary censure.

Here I wish to state that I am not exercised by any sympathetic feeling with the present State Government. I have been an old line Whig "all the days of my life." I have never been an admirer of Jackson. I am not to-day.

I have always voted against him, and the probability is that I may be consistent in that action. Yet, sir, amid our present complicated difficulties and the excited condition of the public mind, I do not desire to make an immaterial issue with Jackson, or those who co-operate with him.

Mr. Broadhead. One word, Mr. President. The gentleman to my right is afraid censure will be cast upon some one by the passage of this resolution, and the gentleman on my left (Mr. Knott) wants light on the subject. Without detaining the Convention with any lengthy remarks, I will offer to him a little light on the subject, which I think will serve my friend from Ray in his investigations on the question, as to whether we ought to censure any one or not. At the extra session of the Legislature, in April last, provision had been made for meeting the State interest, and proper officers were appointed to make suitable arrangements for that purpose, and there was every probability of their being successful, when they were stopped in their career by the action of that Legislature, by the passage of an act to raise money to arm the State, which provided among other things, "that for the purpose of arming and equipping the militia and providing for the successful defence of the State against all her foes, there is hereby created a fund to be denominated the military fund, and that all the moneys in the Treasury, or that may hereafter be received on assessments for the years 1860–61, or that may be received from the proceeds of the special tax of one-tenth of one per cent. on the $100 levied by act to secure the completion of certain railroads, or from *other sources*, except the amount due in June, 1861, on revenue bonds, is hereby appropriated and directed to be made a part of said military fund." It will thus be seen provision had been made for paying interest on State bonds. Afterwards, however, in secret session of the Legislature, they passed the following act as supplemental to the first: "That nothing contained in the above recited act shall be construed or intended to prevent the payment of the revenue bonds due the 1st June, 1861, or the interest now due upon State bonds now owned by the banks of the State, or of any citizen or citizens thereof who shall satisfy the Governor that he or they were the *bona fide* owners of such bonds on the 1st day of May, 1861. Provided, that the payment of said bonds and said interest to said banks or said citizens shall depend entirely upon the *discretion* of the Governor, who shall not pay the same if, in his opinion, the urgent necessities of the State require the immediate use of the means to be thus appropriated;" thereby putting the whole matter in the hands of the Governor, and leaving it at his discretion as to whether the money appropriated by the former Legislature to pay the interest on the State bonds, and save the credit of the State, should be disposed of and appropriated as provided by law, or as he in his discretion might direct. This is the legislation which stopped the proceedings that had been instituted by the proper officers who were appointed to raise the money to pay the State interest, and these are the proceedings which it is now proposed this Covention shall censure; and I, for one, am ready to vote for a resolution which will fix censure upon these men, and not on the State of Missouri, because these individuals did not represent the State of Missouri. It is censure upon public officers who betrayed their trust, and appropriated the money of the State from its legitimate use, in order to carry out unlawful and unconstitutional purposes.

Mr. Moss. I voted for the motion made by the gentleman from St. Louis (Mr. Wright) to lay this resolution on the table, for the time being, in order that the members might have an opportunity of investigating it; and I think it will be apparent now, to every member of the Convention, that it would have been right to have voted for that motion. I desire to vote understandingly on this motion, and in order that we may all have an opportunity to do so, I move that the Convention now adjourn until 2 o'clock.

Motion lost.

Mr. Dunn. Mr. President, I have one objection, and but one, to the resolution offered by my colleague from Clinton (Mr. Birch), and that is, that it implicitly imputes dishonor to the State, in failing to pay the interest on the State debt. I exempt my colleague from any design to make this imputation, but if I understand the resolution, the imputation is implied in the language used in the resolution. The resolution is in the following words:

"*Resolved*, That for the default in the prompt and regular payment of the interest on the State indebtedness, we recognize no legitimate excuse, either in the past, present or prospective condition of the country, and that we commend it as being pre-eminently the duty of the State promptly to meet all its liabilities."

Default has been made in the payment of the July interest of the present year on the State indebtedness, and the assertion in the resolution that there was "no legitimate excuse" for that default does, according to my understanding of the language of the resolution, impliedly impute dishonor to the State. To charge an individual with making "default" in paying what he owes, without any "legitimate excuse," is to impute dishonor to that individual. To make the same charge against the State, is to impute dishonor to the State. I recognize as fully as my colleague the duty of the State to pay promptly the interest and principal of the State debt, and I condemn as strongly as he does, whatever may have been done by the Legislature calculated to thwart the payment of the State indebtedness, if there was any such legislation, regarding it as the duty of the Legislature, to provide, if possible, for the payment of the State indebtedness.

I have offered as a substitute for the resolution of my colleague, the following:

"*Resolved*, That it is the duty of the State to provide for the prompt payment of the interest and principal of the State indebtedness, and we deeply regret, that, owing to the disturbed condition of the country, the July interest of this year was not promptly paid."

This substitute recognizes the obligation of the State to pay all the indebtedness of the State, without imputing, by implication or otherwise, dishonor to the State.

Mr. DONNELL. If the information I have upon this subject is correct, I do not consider that means were ever provided to meet this debt. The $500,000 to be appropriated for this purpose was never put into the Treasury in cash, but in the revenue bonds which were due the State in June. If I understand it, the law provided for the sale of the stock in the bank of the State of Missouri, and that the stock should not be sold at less than par value, and then applied to the payment of this debt. The financial condition of the country and the State every man knows made stock below par, and it would have been impossible to have realized the par value on these bonds, and consequently no money was raised, and Jackson never diverted it for military purposes. Now, I am in favor of individuals and States paying their debts; but individuals cannot pay their own debts in times like these. We ourselves cannot pay our debts, and shall we censure men who are innocent and could not help themselves? I think it is proper for the Convention to say that they will pay the debts they justly owe, and that they will never repudiate a dollar when they have the money to pay it. I think there is no disagreement among us on that point. But I do think it is unjust to censure men who could not help themselves.

Mr. FLOOD offered the following:

Resolved, That we are utterly opposed to the repudiation of any of our State debts, directly or indirectly.

Mr. BROADHEAD. I move to lay that on the table.

Mr. HOWELL. I demand the ayes and noes.

Mr. BIRCH. I accept the amendment.

Mr. BROADHEAD. Then I withdraw my motion.

Mr. FLOOD. I offered this as an independent substitute.

Mr. BROADHEAD. Then I renew my motion.

Mr. HALL, of Randolph. If the gentleman will withdraw his motion I will make an explanation.

Motion withdrawn.

Mr. HALL. I have ascertained these facts from the Treasurer: The sum of $500,000 which was to be received from the Banks was not to pay the interest on the State debt. That was to pay the bonds on which the interest had been raised previously. It seems that for the purpose of paying the interest on the State debt heretofore due, these bonds, to the amount of $500,000, had been issued. The only fund out of which the interest now due could have been derived, was from the sale of bonds and bank stocks which the Governor was authorized to make. He undertook to sell these State bonds, but found he could not realize more than thirty cents on the dollar; and the Treasurer says that the Governor undertook to sell the bank stock belonging to the State, but could not realize more than sixty cents on the dollar; and that in consequence of the low market rates of these stocks, out of which the fund was to be raised, they did not sell them. Now, the fact is, they did not have the means and could not obtain the means, under the law, and we ought not in our resolution, to cast censure upon these persons or any others. I am very willing to vote for a resolution against repudiation, and that it is the duty of the State to pay these debts; and if the resolution was worded so as to express that sentiment, I would be willing to vote for it. But if we do pass a resolution casting censure on those in this State, or out of it, we should be careful to ascertain the facts first.

Mr. BRIDGE. I think the gentleman from Randolph is laboring under a mistake. There was but $100,000 issued, and the State provided for the payment of both these loans as well as the interest. The Governor was authorized to sell the stock in the Bank of the State of Missouri and in various other sources, sufficient to carry on the government a whole year. But the Governor failed to take any steps in that direction up to May 11th, when the extra session of the Legislature met and the money was diverted into the military fund. It is well known by those who have any knowledge of the matter, in St. Louis or elsewhere, that if the stock could not have been sold out, it could have been hypothecated, and the money raised to pay the interest on the State debt, if there had been any disposition on the part of the Governor to do so. But after the passage of the act in secret session the funds were diverted, and therefore I think the officers of the State, who refused to carry out this original design, are deserving of censure, and should receive the seal of condemnation by this Convention.

Mr. HOWELL. I move the subject be referred to a Committee of five.

Motion agreed to.

The Chair appointed Messrs. Howell, Gamble, Hall of Randolph, Irwin and Donnell as the Committee.

Mr. HALL asked to be excused, and Mr. MCFERRAN was substituted in his place.

Mr. ALLEN offered the following:

Resolved, That we denounce the course and proceedings of Clairborne F. Jackson in precipitating the State into a war with the Federal Government.

Referred to Committee of eight.

Mr. ZIMMERMAN gave notice that on tomorrow he should introduce an amendment to the rules, providing that a majority shall be sufficient to suspend the previous question.

Mr. BROADHEAD then moved to take up the special order of the day.

Motion sustained.

Mr. PHILLIPS offered a resolution that the report be taken up section by section.

Motion sustained.

The first section was taken up.

Mr. BRECKINRIDGE moved a call of the House, but withdrew it.

The ayes and noes were demanded.

Mr. WRIGHT. I move that the House adjourn until three o'clock. Lost.

Mr. WRIGHT. I did not expect to address the Convention on the report at least until I had an opportunity to examine it in all its bearings; because, although we have voted to consider it section by section, yet the whole scheme must be taken together. Perhaps the most important proposition of the whole is involved in the first section. I did not suppose that a question of such magnitude would have been decided by this body in silence, because it necessarily involves the powers inherent in this body. It brings up for consideration a very important question namely: In what character are we sitting? Are we a revolutionary body? Are we exercising a revolutionary power of the people of the State of Missouri, or are we under the Constitution of the United States and under the Constitution of this State? It is very important that the first question should be decided, for upon that decision important consequences will result. If we are a revolutionary body—if we are thrown back, according to the distinguished gentleman from Buchanan, into a state of nature—if we are in the situation of men seeking to organize themselves into society and are going out of a hypothetical state of nature into one of prospective, social and political organization, then it is very clear we can do what we choose and have no limit but our own discretion. We can do whatever we deem proper, and there is no limitation upon our power at all. In that view the Constitution of the United States is no impediment in our way, because we are in a state of nature now to determine what shall be the rule of action; and are gentlemen prepared to maintain that we are not now under the Constitution of the United States? Is not this body under the Constitution of the United States, and bound by allegiance to the Constitution of the United States? And if so, are we in that imaginary condition which the gentleman from Buchanan (Mr. Stewart) has placed us in—a state of nature—to determine what we are going to do for ourselves? I take it that no gentleman in this House, and especially no gentleman who is a supporter of the present Administration, and who is allied to the Republican party—I suppose no man of this body will concede he is not under the power of the Constitution of the United States. If there be one entertaining that opinion, unquestionably he is a revolutionist, and he takes the position which I do not take. I am here under the Constitution of the United States, and loyal to that

Constitution, if I know what it is. I am here under the Constitution of the State of Missouri, also, and not in a state of nature. I am here simply as a delegate from the people, charged with the grave and high responsibility of doing what—making law? Was I sent here for any such purpose, and have I any such power as that, when I live in a State that is organized in State departments—legislative and executive and judicial—am I here exercising the power that belonged to a member of the General Assembly, either in the upper or lower House? I take it not. I am not here to exercise any legislative power. I am not here to enforce laws by any fiat I can make. I can give no judgment to enforce the law. But I am here with others, to submit projects upon which there is no limitation except the Constitution of the United States. I am here to submit projects, if it need be, to change the Constitution of this State. I am here to do every thing that a free people may do, who are in the United States, and under the obligations of the Federal Constitution, which will not impair or hurt that instrument. I am here to entertain, if need be, and my judgment approve the act, a project to show the defects in the Constitution of the State of Missouri, and to point them out and present them to the people, but I am not here with authority to change the Constitution.

When this Convention adjourns, no matter what it resolves, the Constitution of the State of Missouri is still in all its vital force and power in spite of our resolves. But yet our resolves may become the Constitution of the State; but they get not their vital breath from us, but from the people, so that the project which we are called upon to consider is one which their judgment approves. Has it come to this? have we so far gone from our moorings and from the fundamental principles which constitute republicanism, that we can make a Constitution for the people without submitting what we do for their ratification? Are we about, by our *fiat ex directo*, to say that the Constitution is abolished? I ask the gentleman from Pike, (Mr Henderson) whether he has become a convert to that doctrine? Did he not stand up for Douglas and fight Buchanan on the ground that it was attempted on the part of Buchanan to force a constitution on Kansas, contrary to the will of the people? Did not Henry A. Wise declare that, if there was one essential and vital principle of republicanism in the land, one central idea, it was that no organic law should ever be of any force of efficiency as a law, unless is was sanctioned by the people? Is there anything in this case, which is copied into the report of the Committee of Seven—now increased to Eight—is there anything in that case which justifies the idea that the people give us the power to do what we choose—to declare who shall remain in office and who shall not; to legislate, to repeal laws, and to make a constitution under which they shall live without the power of ratifying it? On the contrary, the scope of the call was confined entirely to the consideration of the relation in which Missouri stood to the Federal Government—the relations in which Missouri stood to the sister States; and lest there might be some doubt on the part of those who originally called this Convention and clothed us with this high authority of making law, changing the Constitution of the United States, and putting Missouri out of her relations to the Federal Government, they declared what was done should be submitted to the people; that it had no vital power of its own; that it should consider and present projects, and that the living force and efficiency of all our deliberations and projects should come from the source of all power—the people themselves. Now, sir, I say unequivocally, and I wish it to be marked, I say that this Convention is not bound by the call—I mean that it is not bound by the circle of the call; in other words, I hold that this Convention had the right to go out of the purview of that call; I mean to say that we can entertain projects here; change the State Constitution, so we do not make it hurt the Constitution of the United States, although that is not provided for in the call itself; we can change the Constitution of the State of Missouri, and submit to the people the projects after changing the Constitution; and likewise we might submit to them a project under which, if they ratify it, all officers might go out. The character of the Legislature might be changed, its members changed, and the Senate differently organized. There might be but few districts for the Senate, and only fifty, sixty or seventy-five members of the Legislature, just as we chose to suggest, provided the people of the State themselves would give their solemn will and testament to it, and declare that under it they and their children should live. I say, therefore, that there is a power in this body to submit projects outside of the call. I held that opinion when we met,

and I have seen no reason to change it. All subsequent reflection has convinced me that we have the right to consider and suggest; but I have not been able to find anywhere any authority in favor of the power of this body coming here as the representatives of the people to legislate and make laws which will go into execution, much less fundamental law, which changes the Constitution, abrogates offices and modifies the *status* occupied by the officers. Where is the power to come from? The distinguished gentleman (Mr. BIRCH) says, that he has no doubt this Convention has power to do this, and that in order to "*save the life of the State.*" I respectfully suggest to that distinguished jurist, that is now a source of power. Circumstances might modify the exercise of the power we have, but circumstances cannot create the power. In other words, my distinct proposition is this, that all the powers we have are inherent in the organization the moment it was created. There has been no supplemental authority added since. We can look for advantage to circumstances out or in, when the question is, How much power shall we exercise? That survey may be exceedingly important when we come to exercise the powers we have. I feel, sir, every day, that we are departing from those primary or primal fundamental notions of our fathers which lie at the foundation of every Constitution in the United States, and which are the groundwork of the Constitution itself. That is, that the people are the source of power, and as a direct consequence, no organic law, no fundamental law, no supreme law, written or verbal, which is to ride over and be paramount to all ordinary legislation, should ever have any vital force except it be ratified by the people themselves; and that any assumption upon our part of powers *ex directo* to overthrow a Constitution and put another in operation, are nothing more than a usurpation of power, and that if we attempt to do it at all, we throw ourselves necessarily into revolution, a condition in which I admit there are no limitations upon us but our discretion. If we are a revolutionary body, then I say the proposition is, we can do what we choose; but if we are not a revolutionary body, if we are under the Constitution of the United States and of the State of Missuri—elected and called into the State service for a temporary period—then we have no right by our fiat to break down the Constitution of the State. We have no power to vacate offices, for it requires just as much power to vacate an office as it would to make a Constitution. We cannot by doing it make it obligatory upon the people to recognize the power by which you make a Governor and vacate an office, in any other sense, than as a project—a power which says to every man in Missouri, "here is your Governor, and he has the right to hold the great seal of State—he has the right to repel invasion and assume the affairs of the State; a power which attempts by force to deprive the people of the State of their rights under the Constitution of the State; the power of regulating our affairs in our own way; a power which says here is a man you are bound to obey—a man who can call out the militia to enforce his orders by the powers of the law martial. He is a man you must obey—a man who can pardon a convict—call a Legislature, and do all the things which an Executive of the State can do." Of course the committee who have started this proposition, must have proceeded upon the idea that inherently, from the very character of our organization as a Convention, we have the power to do that thing, and that we have the power to change the Constitution. But I suppose they are not prepared to say we have the power to ignore the Constitution of the United States; and by what manner of reasoning is it, by what process of thought is it, that while we regard the United States Constitution, we are to be led by and by, under the reign of Constitution and law—under an oath which we all took—and no one with more pleasure than myself—and although we took the same oath to support the Constitution of this State, yet at the same time we are to be led and organized into a revolutionary tribunal How can any distinction be drawn? It is true, the people of Missouri cannot make a Constitution for the Federal Government? My learned colleague, the Chairman of this Convention, (Mr. Broadhead,) the other day, when I suggested the propriety of debate upon some question, said that a similar power had been exercised by the pan-handle government in Virginia. Unquestionably a small and insignificant minority in Virginia have determined to organize for themselves, but they put it on revolutionary grounds, and I see they have countenanced the proceedings at Washington. It is not wonderful that they should become revolutionists themselves; they saw revolution in the South; they saw the department at Washington revolutionists; and here is an effort to make us revolutionists—I know not by

what authority. We have grown up to such a stature that we are more powerful than the people and the State, and can put a Constitution upon the people whether they will have it or not—although lifted to our seats by the vote of the people themselves. When did we get such power? Upon what have we fed that we have grown so great as to rise above the people, and declare we will make just such laws as we choose, vacate just such offices as we please? The original project was fixed to make judicial officers, unknown to the people, who should live judicially for one year, and until after their successors should be selected, and these should live as long as the people gave vital breath. It was resolved that the judicial officers should live one year anyhow—not only live, but have power and decide issues between man and man—give judgments on issues involving the title to lands of the State even upon partnership, the settlement of dead men's estates, and the variety of business to be determined by decree of courts, and the military power of the State backed to support it.

I see the Committee have backed out of that position; but if they have got the power to vacate the Governor's office, they can do that. Now, "It is the first step which costs," says a French maxim, and the experience of the world proves its truth. You are taking the first step in this matter, and if you make this attempt I say you will put it on the ground that you have not an inherent right to do it, as members of a Convention, and, if passed, you assume a responsibility hoping the people will sanction it. Because, if you do such a thing as that, with such a proclamation, you repudiate the vital principle which is involved. By the exercise of power standing on revolutionary grounds, you yet protest that you do not want to be revolutionists, and only act on the plea of necessity, doing it for a short time, hoping that the people will see why you take the responsible step. But we are discussing the inherent power of this Convention at the time of its organization. Gentlemen cite the action of the South, where they have disturbed the relations of the Government by the passage of secession ordinances, which were not submitted to the people. How our voices denounced that action in February last as a usurpation, as a usurpation of the people's rights in the South, as an attempt to organize a new Government, and to fling organized relations out of the sphere of Constitutional and Federal obligations, and to do this by the fiat of a Convention, without submitting it to the voice of the people! Are you going to follow those examples you then denounced? Have you got the power to do it? If so, if we do follow their example, then we denounce ourselves. We declare that what we objected to was insincerity on our part—that we were urging captious objections to their exercise of a power which we were ready to exercise ourselves. Are you willing to place yourselves in that position? I for one shall vote against, and within the limits of the time allowed speak against it.

When has a Constitution been made for fifty years without submission to the people When has any Convention, in this country, undertaken to exercise a power, except in these horrid times? And in regard to that particular example, which was cited by my colleague from St. Louis, the case of the pan-handle in Virginia—what becomes, I should like to know, of the interesting and patriotic speech of Judge McFerran? what becomes of the principle that the majority of the State must govern? And here is a case in which a minority made a Constitution—a case in which a very small portion of the people of the State undertook to set up an organized Government for themselves. What becomes of the principle invoked by the gentleman, that the majority of the people must govern? Now, if a majority of the people must govern, how can we exercise this power by saying that eighty-one persons, taken from the people, shall make laws for one hundred and odd thousands of the citizens of this State? You cannot get the power by saying that we have a bad Governor. I think Missouri has of late been very unfortunate in her Governors, but that don't give us any authority. Jackson, certainly, is no favorite of mine, but I think he has had considerable assistance in bringing about our trouble. Alone, he could not have hurt us. There was a greater trouble, and that was Abe Lincoln, when he organized Home Guards, on the assumption that there was a power on the part of the President of the United States, to go into any State of the Union and provide men—loyal men—with arms to redress wrongs which had been perpetrated. I do not say the Federal troops had not the right to come here, or that they have not the right to march through any State; but my point is, they had no right to bring their troops to this State, under the pretences that were used, and that they have not the right, while here, to do as they have done.

For the purpose of this argument, let it be

conceded that Jackson has menaced the Government; that he tried to run rough shod over the people; that he exercised his influence, in the worst possible form, to bring about a revolution. For the purpose of the argument we may concede that, but the question will come back, does that increase our power to vacate his office? I grant if we have the power to vacate, we have the power to fill. But for the life of me, Mr. President, and gentlemen of the Convention, I do not know where you get the power to do either. If you go to original primary principles, surely you cannot derive it from any such source as that, because the people themsrlves ought to make their organic laws. But my opinion is—I do not know but I may be mistaken in the character of the people of Missouri, as I can only judge of them by myself—but my opinion is, that when you tell them, "Here is a Governor we put upon you," they will say, "Who asked you to do it?" and if you reply, "Well, that don't matter, he comes without asking," they will then ask, "Where did you get the power to do this?" My colleague knows this is no new opinion of mine; he knows that at the conference of the Convention at St. Louis, in regard to calling the Convention, I opposed this idea. I cannot come to the conclusion that we have the right do this, unless we put ourselves above the great fountain power, the people themselves. That the Convention has the power to revise the Constitution and submit it to the people, *I* doubt not. I remember sitting here in 1845 with the distinguished gentleman from Buchanan (Mr. Stewart) and the distinguished gentleman from St. Louis (Mr. Broadhead), when we attempted for several months to make a Constitution, but there was not one of us that dreamed we had the power or the right to make it *ex directo*. We submitted the project to the people; and to show that men claiming the authority which this resolution invokes, are not infallible, we spent three months on the project, published it in every way, and when we submitted it to the people, away it went, and is now among the things dreamed of. What is the difference between then and now? This Convention is clothed with no more authority than we then had. Do you say circumstances give it! I deny it; because I assert the position without fear of contradiction, that our power does not come from circumstances, but it comes inherently from the organization itself, before the circumstances arose. Now, after we are organized and new circumstances arise, do they furnish a supplement of power?

At the request of Mr. Welch, Mr. Wright here gave way for a motion to adjourn until 2 o'clock P. M.

AFTERNOON SESSION.

Mr. Wright. On the question of power, I invoke the call itself of the Convention as conclusive evidence against it. The call of the Convention is decisive against the power. It called us to meet together to consider (mark you, not to adopt) the existing relations between the Government, &c., and to adopt such measures as may be necessary for vindicating the sovereignty of the State, and the protection of its institutions. And now, sir, by a most disingenuous perversion of this call, invoking the casuistry which has marked this Republican Administration, tearing sentences from the context, without any reference to what they were first to consider, the Committee make a report in which they say, "we are clothed with ample authority to adopt such measures as are necessary, &c." In other words, this call refers this body to the relations existing between the State and the United States Government, and the State and her sister States, but the Committee propose to make up an entirely new subject, not touched apon in the call, nor even so much as hinted at, and they still say, "we are clothed with ample authority to adopt such measures as are necessary to vindicate the sovereignty of the State." Vindicate it from the action of its Government—vindicate it from anything—anything at large that may appear to call for it—vindicate it not merely against the action of the General Government, and against the action of the sister States, but vindicate it any way the Committee think proper, whenever they think the sovereignty of the State is attacked. I say this is in perfect keeping with the known casuistry of the Republican party—the same party which raised in this State the war-cry of emancipation.

But, sir, the call for this Convention makes it obligatory upon us to submit whatever measures we may adopt within the call to the people for ratification. Yet I find, to my great surprise, the inference is drawn that in regard to what the people did not specify as the subjects for the deliberation of this Convention, we can do as we please. I take it there is no logic in this. I take it the call itself is a clear, express, unequivocal declaration that whatever

the Convention does under the call, shall receive its vitalizing efficacy from the vote of the people. I said in my remarks before the adjournment, that for fifty years I had no knowledge of any Constitution having been made by a Convention *per se*. It may be possible I was incorrect in that. I tried to get into our library, but I could not get in. I came here in 1832 and do not recollect what was the action of the State in regard to the Constitution. Will my honorable colleague have the goodness to inform me?

Mr. GAMBLE. It was not submitted, and stands on the authority of the Convention alone.

Mr. WRIGHT. But since that period of time, I know of no State that has so acted through its Convention. I know that the first written Constitution adopted in the United States was from the pen of George Mason, and that never was submitted to the people; and when the question came up before the Court of Appeals, the highest judicial tribunal then in the State, the Court said: "The *long acquiescence* of the people in it justifies us in the idea that they have ratified it." This, then, I take to be an affirmance of my position. But that is not all. The very programme of this Committee of Eight shows I am right. Pray, gentlemen of the majority, why is it, if you make a Governor who is to officiate from now till November, that you apply to the people at all to say whether the office shall be vacant or not? Your very programme shows that you submit the question of vacancy to the people in November. Suppose they do not ratify your action, what becomes of it? In the meantime what is the legality of your functionaries? They seem to me a clear usurpation. They act during a period of time and then when the people say this is all wrong, we never authorized you to do it, is there anything which will legalize your acts—any doctrine known to the law by which you can clear yourself of the charge of usurpation? Don't you see the difficulty in which you are placing the State by your complication? Your own programme shows that my proposition is right. It shows that in your own views you can do nothing *per se*, but can only create the forms into which the people shall breathe the breath of legal existence. It is for the people to say whether they want the offices of Governor, Lieutenant Governor, and other functionaries vacated. If they have not this right, they need not stickle for any other small matter, for it is fundamental—it goes to the very groundwork of government itself. It is a question of self-government. It is a question of republican liberty. Take this right from the people, and I do not know what else remains for them worth struggling for. Surrender it, and all is lost—we are subject to an oligarchy; whether surrounded by bayonets of the Federal Government or otherwise, we are still the miserable subjects of a military oligarchy, and the fundamental principles of republican liberty are extinguished forever.

Mr. President, I am one of those who, in these disastrous and calamitous times, would save something from the national wreck. I am a man who believes that the Constitution of the country has vital force to protect itself, and I assert that no Constitution is worth anything that won't protect itself, but needs to have an auxiliary outside of it which has to destroy it in order to preserve it. If such an auxiliary is really needed, it shows that the Constitution was not well made at the time it was made. It does not merit our admiration, and it cannot inspire our love. But as to that glorious framework of our forefathers, I say there are powers in it, without stepping beyond any of its limitations and bulwarks, to preserve itself; and I say the safety of the people of the United States, the safety of the people of Missouri depends upon preserving intact that Constitution in all its parts. If it can be broken in one segment, it is gone, the circle is lost; it either must be intact in all parts or vulnerable everywhere.

Mr. President, I am against usurpation in every form, but especially when it aims a fatal blow at the groundwork of Republican Government. Lincoln has usurped power. Are you going to follow his example? Lincoln has overthrown the Constitution of his country—are you going to overstep yours? Commissaries at his beck have attempted without power to legalize his acts. Are you going to consider that a precedent by which you can trample under foot all those fundamental, familiar household ideas that have made the glory of all our institutions?

Thus much for the question of power. Now as to *policy*. I said, in arguing the first proposition, that no new power could be derived from any conduct of Governor Jackson. He may be as bad as you please—as bad as Lincoln, and God knows that is making a man just as bad as he can be. But is he as bad as that? I have no sympathy with his secession

views; I cannot look with favor upon his efforts to thwart the will of the people; I do not advocate any of his schemes to bring about a dissolution of the Union, so far as Missouri is concerned; but in so far as he says that the Home Guard was an illegal body, and that the capture of Camp Jackson was making war on this State, he is right. I stand by him on that proposition, and also on the proposition that this State has a right to resist by force the forces that may come and make war upon her, and yet preserve her loyalty to the Constitution of the United States. He is wrong, so far as he says that the citizen owes a paramount allegiance to the State, and a subordinate one to the Federal Government. In all the legitimate exercise of the functions of the Federal Government, we are bound to sustain it, and in all the legitimate powers vested in the State, we are equally bound to stand by the State; and if the Federal Government would only keep in its proper limits, and all the States would keep in theirs, they would move in the same harmony by which the glorious worlds above us revolve in beauty and silence. There is no friction among those shining orbs, and there would be none in our political system, if all men would stand by and keep within the orbits of constitutional movement—it would present the true music of the spheres of which poets speak.

I won't condemn the act of Gov. Jackson where I think it is right. I will condemn it where I think it is wrong. I will deal out even-handed justice—strike right and left—strike at Washington in all the departments there except the Judicial, and God knows that is not going to last long. [Here Mr. Wright referred to the threats uttered by the Republican press and leading politicians of the party against Judge Taney and Judge Treat, for having dared to vindicate the Constitution, and the attempts to change Judicial Districts with the view of curtailing the power of obnoxious Judges.] Sir, I did hope that in this general conflict the sacredness of the judiciary would be left untouched; but, alas, the same feeling which prompted decapitation elsewhere, was at work in the first programme of your committee. It is true they afterwards changed the programme. They would not undertake to decapitate the Judges of the Supreme Court—they thought that was a measure from which probably the people would recoil; and, taking their counsels from caution, not from principle, they retraced their steps and left the judiciary untouched. But I say to these gentlemen, "You have been inconsistent. Your first movement was right, if any. The Judges will declare your enactments unconstitutional. You will involve the State in difficulty, and the Judges will set your new government aside. You had better destroy the Supreme Court and make the thing clear. I believe when men go into radical and revolutionary proceedings, the best policy is to make a *clear thing*—to make a *whole* thing; and if I had been one of you, and satisfied that I was right, I should have swept every impediment from before me. You are wrong, gentlemen, in your policy. You ought to have gone the whole or nothing. It would have cost you no more power. Your are using the same revolutionary usurpation of power, doing what you have done, as in doing the whole. But perhaps you thought, maybe there was a false idea among the people, that, in this general conflict, they would at least shelter the Judiciary against the storm. Perhaps you thought there was a serene silence there—a moral power that might be so cherished by the people as that the citadel could not be attacked without raising a counter rebellion. Be this as it may, you are mistaken in your policy. I know the people of Missouri will stand a great deal. They have shown it in past times; they have foreborne in many instances; but there is a time when forbearance ceases to be a virtue, and I do not think the people will stand your dictation of a government. They won't stand the government you make for them. They will question you very closely about what authority they ever gave you to unmake a Legislature, to oust men from their seats whom they, in the exercise of their sovereignty, sent there. God knows the Legislature are no favorites of mine. I heard one speak upon that spot, (pointing to a seat behind him,) whose words were anything but pleasant to my ear or gratifying to my patriotic sense. I do not think it is characteristic of the people of Missouri that they will stand usurpation at all. You have two governments, and in all human probability you will have war. You will have the Federal bayonets on your side, but there will be no triumph after the fighting. There will be no acquiescence of the people, and the very forms and appliances that you will use to put down rebellion will raise it anew, and fan it to greater flames.

One word in regard to the gentleman from Buchanan, (Mr. Stewart.) He says *we are the*

people. Well, it is not true physically, it is not true morally, it is not true politically nor constitutionally; for, if it was, you ought to abolish the idea of accountability to the people, and we could do as we pleased. We should not need them to ratify our acts. I take it to be a stupendous mistake.

Mr. STEWART. Will the gentleman permit me to make an explanation?

Mr. WRIGHT. I have only a few more minutes to speak. The gentleman may then take the floor to reply to me. My propositions, then, Mr. President, are these: That no power belongs to this body, except what is inherent in it from and at the moment of its organization; that you cannot derive power from circumstances; neither the destruction of the State, nor the peril of the people, nor any other calamity, can ever give us power that we did not originally possess. These outward exigencies may have a great bearing upon the exercise of the powers we do have, but they bring us no new power. The call itself is conclusive evidence against the power, because it limits our action to certain specific objects. With these remarks, Mr. President, I shall close, feeling that I cannot better discharge the high and important duty devolving upon me as a representative of the people in this body, than by voting against the resolution proposed by the Committee.

Mr STEWART. I desire to say a few words in reply to the distinguished gentleman from St. Louis—more particularly to those remarks which he thought proper to apply to myself. I have said repeatedly on this floor and I say it again now, that the people of the State are, for all practical purposes, here to-day. There are two ways of amending the Constitution, the one is by a two-third vote of two successive Legislatures, and the other is by a Convention. I have listened with a great deal of pleasure to the arguments of gentlemen on this floor, and it was these arguments which induced me a few days ago to offer a resolution to the effect that "all attempts to avoid the main question by raising collateral issues were futile." I say so now, notwithstanding the friction in the starry system and the beauty of the spheres, and all that sort of thing the gentleman speaks so eloquently of. I am not in the habit, Mr. President, of making elaborate preparations for my speeches—I speak just as I think and feel—I speak my own thoughts, as they come into my mind in the course of the argument in which I am engaged. Not being a very good mathematician, I always found it impossible to extract the square root of a negative quantity. I have seen a good many things in my life time—have travelled as far as anybody, and perhaps made as little of it. I profess to be a lawyer—a constitutional lawyer, and a physician to boot. (Laughter.) I undertake to say that if you get a sore on the body politic, which everybody sees, and which stares in the whole community's face, and is deplored by everybody, the best way to dispose of it is to cut it off. If you don't, it may become a chronic disease and a constitutional complaint. The people are here to-day in a constitutional capacity. They come here because under the Constitution of this State, in order to carry on the Government, they must have an Executive Department, and the Executive Department has gone away. They cannot come *en masse* because they are too numerous, and hence they send us here as their immediate representatives. It is a most deplorable state of things which has brought us here. God knows, I could almost shed tears to think that this State, where I have spent the greater part of a lifetime, where I expect to die, around which cluster all the dearest associations of my manhood and my youth, which has prospered like a young giant and marched steadily onward in its career of glory, should to-day be so reduced as to be left without a directing head and a government. It is only with deep-felt sorrow and mortification that I can think of one set of citizens making war upon another, and converting the fertile plains of Missouri into a battle-field, where grim-visaged war holds bloody sway. There are many among the followers of Jackson who are honest and well-meaning, but who have been deluded into this false position by the workings of an infernal demagoguism. What can be said of a State whose Executive steals the money in its Treasury, deprives the children of their means of education, puts the lunatics loose, tears up the bridges, and walks like a Bee-Martin abroad destroying where he goes. There is no Governor of the State here to-day, no Lieut. Governor, no Speaker of the House of Representatives, or any other man appointed by the Constitution who could take the reins of government. It is therefore our duty, our solemn and imperative duty, to provide for the offices, and again put Missouri in a way where she can recover from her injuries, and prosper as heretofore.

Mr. BIRCH. In rising to present such thoughts as occur to me in reply to the objections so ingeniously presented to the first and second propositions of the committee, I congratulate myself that there is, to my mind, so little disagreement between the delegate from St. Louis and myself. That distinguished gentleman (Mr. WRIGHT,) concedes our authority to *provide* for the deposition of such officers and servants of the State as we may deem to stand in the way of the safety and the *interests* of the State; and in doing this, (according to my judgment,) concedes all that is claimed by the report of the committee. Gratified that I have the concurrence of such authority in respect to the main proposition, I think I can satisfy my friend that as he concedes we have the power to provide for an *election*, so we have the power to remove any obstacle that may exist to a full and *fair* election.

Before I proceed to that view of the subject, however, it will be more proper to remark, that as I realize myself to be both a citizen of the United States and a citizen of the State of Missouri, and have taken an oath to support the constitutions of both, I have *necessarily* to concede the supremacy of the former government, within its legitimate sphere of action, in all cases of conflict between the authorities of the *two* governments. If this makes me a "Federalist," according to the clap-trap of the political hustings, the fault is in the constitution, and not in me—the second paragraph of its sixth article being in these plain and emphatic terms:

"This Constitution and the laws of the United States, which shall be made in pursuance thereof * * * shall be *the supreme law of the land;* and the judges in every State shall be bound thereby, anything in the constitution or laws of any State to the contrary notwithstanding."

I repeat, therefore, Mr. President, that if it be "Federalism" to believe that the Constitution and laws of the United States require of us "*supreme*" allegiance in all cases of conflict with the Constitution or laws of a State, the fault is with our fathers, who made both Constitutions; for our State Constitution concurs with that of the United States in requiring *all* its officers, both civil and military, to take an oath to support the Constitution of *both* governments, where they are *not* in conflict, and of course that of the Federal Government (as above) where they *are* in conflict. My estimate of our authority, therefore, is, that as representatives of the residuary sovereignty of the people of the *State*, we are competent to ordain anything that is not in conflict with the Constitution of the *United* States—the people of the State having conferred upon us *all* their power, whilst the people of the United States have conferred upon us *none* of their power.

Passing, therefore, from the question of our authority to that of our *duty*, I recognize in our oath to support the Constitution of the United States, the duty to uphold its "laws," as above provided for—that being the true test of my *National* allegiance, which (as already proven from the Constitution) is superior or "supreme," when brought legitimately in conflict with a State law, or, as some may say, with *State* allegiance. I repeat that this is precisely the "Federalism" of both Constitutions; and that I am, therefore, just as much of a Federalist as the Constitution of the United States compels me to be, and just as much a State Rights Republican as that Constitution permits me to be. In other words, I tenaciously adhere to all that our fathers did not surrender—prominent amongst which is our right to assemble, as we have done, in the name of the *people* of the State, to take such measures as we may deem necessary to preserve the *integrity* of the State.

What then are our duties? We have it from the highest judicial authority known to our system—not an appointee of Mr. Lincoln, but, as I said on Saturday, an appointee of Andrew Jackson, who yet lingers upon the bench of the Supreme Court by the side of the venerable and venerated TANEY—we have it in the solemn and carefully prepared charge of this distinguished Judge, that the Government of the United States has the *right* to place troops in our State as it *has* done; and that to levy war upon them as the Governor of this *State* has done, is TREASON. Of course, Mr. President, when I denounce treason, as I here do, as being the highest crime known to governments, or to men, I do not mean it in the offensive sense of the lower crimes for which men are sent to the stocks or the penitentiary. The English law writers, indeed, (or some of them, at least,) go so far as to speak of it as a *gentlemanly* crime, and hence as being punishable with the ax instead of the rope. It is none the less a crime, however, and, in the sense in which we are assembled, a crime which we are *sworn* to put down, if we can—and WE CAN—but how? Simply, so far as we are concerned, by deposing the author of the treason, and annulling the laws, under color of which he is beguiling thou-

sands of our citizens (the young and impulsive especially) to join him in a suicidal war against the Government of the United States. Shall we hesitate in a matter which has already become notorious throughout the Union, until with accessions from Arkansas, Tennessee and the Indian tribes, he appears before the walls in which we are assembled to drive *us* out, and install himself within? Such would seem to be the climax of the policy which fears to do *anything* lest we create dissension amongst ourselves, as though there was longer left to any of us any other alternative than that of craven ly *submitting* to JACKSON and his *military* government, or of manfully and patriotically opposing them. If there was an alternative short of this, Mr. President, there is perhaps scarce a gentleman on this floor who would be more disposed to accept it than I would be. Gov. JACKSON and myself have grown up together from early manhood to grave and green old age; and it is because we have been always friends (whereby I think I know the *man*) that I am just as certain he has made up his mind to *oppose* the Government of the United States, as I have made up mine to *support* it, in every legitimate sense which looks to our remaining *in* the Union, instead of being bayoneted *out* of the Union. Such being also, as I believe, the well matured judgment of those whom I have the honor in part to represent, I shall vote the deposition of the officer whom we elected as a Union man, but who is now a fighting *dis*unionist, both as a matter of principle and of duty, from which I *could* not excuse myself even if I *would*.

I come in the next place, Mr. President, to consider the deposition of Governor JACKSON as a measure which is necessary, in my opinion, in order that the other measures we have proposed for the consideration and final judgment of the people may have a fair trial, in a free and fair election. I say nothing, therefore, in this connexion, of what will but naturally suggest itself in reference to the every-day necessity of having a Governor and a Secretary of State at the capital of the State, in the offices which we have built and furnished for them, and in charge of the public records and public duties which pertain to them. I say nothing of reprieves and pardons, of commutations of offences, of filling the vacancies in office now so common throughout the State, and of countless duties of every-day occurrence, to which the personal presence and official action of the officers in question is indispensable. I say nothing of all this, however, except that for such neglect *alone* I would feel that the people had a right to demand of us a new election, and that it would be our duty to provide for one. I will detain the Convention for a few minutes longer, however, with what seems to me the impropriety and the danger of leaving these offices in the hands of parties or persons against whom there exists at least so strong a *suspicion* of official mispurpose as to justify us in submitting to the people the question of their *permanent* dismissal. By referring to the second ordinance reported by the Committee, it will be seen that until the people have an opportunity of passing upon our action, the Governor now in arms against the United States is to be not only disarmed, but stripped of all authority, under cover of the military and money laws, to further prosecute a contest which we think he should never have commenced. Have we authority to do *that?* I suppose my friend from St. Louis will argue *not*, since to admit our authority in that respect would be to admit it also in respect to the temporary deposition of the Executive—and I hence respectfully inquire of him what *can* we do? Can we do *any* thing to prevent a three months' drain upon our treasury and a three months' war against our people—that being the length of time to which the Committee suppose it to be necessary to postpone the election? If we cannot, Mr. President, we are indeed powerless to pitableness; and a Convention which was originated and organized by the Legislature, with power proclaimed in every speech to which I referred on Saturday, to do any thing that we might deem to be for the *interests* of the State, is absolutely without power to prevent a recreant and a reckless Executive from completing the *ruin* of the State! I will ask the gentleman whether, in his opinion, the people, through us, can do *any* thing that will be valid to avert the impending ruin of the State without waiting until we can have time to take their vote upon it? Can we provide even the usual machinery for holding the election, procuring the returns and having the result proclaimed by a committee of our body, appointed for that purpose, or by choosing and commissioning some one else to cast them up and declare the result? Can we do even *that* much? and if so, *by what authority?* I pause for a reply.

Mr. WRIGHT. I will answer to the best of my ability. The people have said to us to consider certain subjects, and likewise to adopt

measures to vindicate the sovereignty of the State from supposed aggression of the Federal Government, or of sister States, and they have told us that whatever we do, we must submit to them for their ratification, and that carries a power with it to make a machinery by which they can determine whether they will ratify our acts or not. It is a power of attorney given to us in the call itself.

Mr. Birch. The distinguished delegate has answered as I supposed he must necessarily answer, and that is all I want. I concede, therefore, for the purposes of this argument, that if we take any measures to protect the State against the menaced "aggression of sister States," (Tennessee and Arkansas, for example,) we must submit our action to the final judgment and decision of those who sent us here—all of which it is *proposed* to do in reference to our *every* act by the third ordinance, reported by the Committee. But what of the meantime? May these aggressions be commenced or renewed to-morrow, and by a Tennessee army to approach us from New Madrid, and an Arkansas army to approach us from a point on that border, may the whole southern section of the State be overrun, and overawed by foreign regiments incorporated into Missouri brigades—provisioned from a Missouri commissariat, and kept on foot by Missouri "scrip"—with a Missouri Convention in session, but impotent to protect the Missouri ballot box from the tyranny and the terror which already appals so many counties in the southeastern section of the State, as I have understood since I spoke on Saturday. In other words, may or may not the Convention, which it is conceded by the gentleman from St. Louis has power to *order* an election, and to provide the machinery for conducting it, provide also against the menaced intimidation of voters, or where that might fail, the corruption or destruction of the ballot-box? I *know* the gentleman must assent to this, also, (indeed he courteously nods assent,) and surely *that* is warrant enough for us to divest our Governor, for the time-being, not only of his position and his prestige as "commander-in-chief" of the militia of the State, but of the use and abuse of the money bills which he carries in his pocket, and upon the strength of which he is understood to be most liberal in his military outlays. Can it be doubted, Mr. President, that in order to secure a full and fair election, if for no other cause, we have a right to reduce Gov. Jackson to the *ranks*, and to the use of his *own* purse, during the three months in which the people are making up their mind whether they will or will not have another Governor and another Legislature.

If it be replied that the Federal troops are also scattered over the State, the answer is that in my section they seem to have come and gone according to the assumed necessity of protecting the railroads, recovering the public property, and, in some instances that I have heard of, protecting Union men from real or imaginary danger. For one I never sought their protection, and deem it wholly probable that, in some cases at least, they have been called for at the instance of unworthy persons, and without adequate cause. They have the *right* to be there, however, and we have *not* the right to oppose them; and thus is turned aside all *sober* argument against disbanding our troops, who are wrongfully in array against them. If we would not have this strife continue until it impoverishes the State and renders treason *chronic*, we must come to the point of discountenancing the illegal and violent proceedings of our State authorities, and submitting to the humiliation of seeing amongst us (for the time) the Union soldiery of *other* States, to counteract, as they suppose, the disunion soldiery of our *own* State.

To sum up the case then, the difference between the learned delegate from St. Louis and myself is, that whilst we both agree that our action here, if ratified by the people, is both *law and government beyond appeal*, I think it competent and necessary to provide for the temporary suspension of the functions of certain officers, in order to promote the tranquility of the State and the untrammelled exercise of the elective franchise which is to be invoked as the legitimate *final* verdict. The time was, a few days since, when, for the sake of greater unanimity, I was willing to have stopped a little short of this; but it has become obvious to my mind that we have practically but two parties in this Convention, as elsewhere, and that the alternative is devolved upon us of either co-operating with the Administration at Washington to keep our State *within* the Union, or with Governor Jackson to force it *out* of the Union. I trust it is not necessary for me to add, that whilst I am in no position, either from my past or my present political associations, to even *suggest* a policy for the Federal Administration, could I have my way every musket of that Administration should be withdrawn as soon as those of the State Govern-

ment are laid down in virtue of the action of this Convention. And will they *not* be laid down, Mr. President? I trust that within a week from this period, there will be read in every Missouri encampment the almost unanimous judgment of this Convention, annulling the laws under which they have been marshalled—cancelling the commissions of their officers—interdicting the supplies of their commissariat, and suspending the functions of their Commander-in-chief. Will *that* not disband them, sir? To my mind it is too clear to admit of doubt, that all who are not *insanely* and *devilishly* bent on taking the State "out of the Union, or taking her to *Hell*," will leave the alleged author of so reckless a sentiment to travel that "downward road" alone, and will return again to the protection of *society* and to the government of the LAW. For such there should be, as there will, all proper "amnesty for the *past*, on condition of peace for the *future*;" to which I but add, that to have been in any sense instrumental in the reclamation and protection of the chivalric but misguided men, who are now in arms against the Government of the Union, under the exciting delusion that it was required of them as a duty to their *State*, will constitute the most consolatory and gratifying reflection of my life.

Yes, Mr. President, let us at least *suspend* the operation of this military law, with its test oath *against* the Union, if we would prove ourselves but even nominally true *to* the Union. Like the deposition of Governor Jackson and others, it is practically but a suspension of mischief for three months. (and I shall move to change that to thirty days,) during which it will be for the people of the State to make up their minds whether the Governor and the law shall be *restored*, or whether, with a new Executive and a new Legislature, they will seek to be governed upon a different *theory* and with a different *purpose*. If the latter, there can of course remain no sufficient reason for continuing amongst us the troops of the *Federal* Government; for the military organization of the State, in the restoration of the law of 1859, will then be in harmony with the military organization of the Union, and will render its whole duty (as I doubt not, upon pledges heretofore given,) in simply preserving *the peace of the State*! Will not this be better, Mr. President, than to persist in holding up a law which perhaps no candid man can doubt was *designed* to be used for the purposes for which *it is used*, (and abused,) and which the proper military authority of the Government but naturally and intelligently regarded as a "secession ordinance in disguise?"

Mr. WRIGHT. I desire to state to the gentleman that Camp Jackson was captured before that bill was passed.

Mr. BIRCH. I believe I was speaking less in the past than in the present tense, Mr. President, of the organizations which have taken place under that law, in *spite* of the construction which was placed upon it by General Harney, and at least nine-tenths of the loyal Union men throughout the State; but let that pass. Of the incidents at Camp Jackson, and of other deplorable incidents on both sides of this unhappy controversy, they belong to the *past*, whilst our duties pertain to the present and the future. I shall vote then for the suspension of the official functions of Gov. Jackson, who, I am confident, has placed his whole reliance upon the despotism which he may be enabled to inaugurate and keep up with these military and money bills in his portmanteau, as giving prestige and efficiency to the sword at his side, and upon which, as already stated, I believe he has cast his entire reliance to become the military *conqueror*, instead of remaining the civil *Governor* of his State. If, in doing this, I shall unfortunately incur animosities where I intend none, I shall pray for strength to confront them in the future as in the past, and to becomingly abide the consequences with which I have been menaced—including that of death itself. If, indeed, so poor a life as mine alone could propitiate the thirst for blood which has been atrociously enkindled by the studied misrepresentations of political malevolence and political ambition, none but the Omniscient knows how readily and even *joyously* it would be offered up.

> "It is not all of life to *live*,
> Nor all of death to *die*."

I shall hence essay to discharge my whole duty, leaving to others the discharge of theirs, and am in that sense prepared to vote and to *act*. Respecting the alleged usurpations of Mr. Lincoln, of which I spoke on Saturday, they are defensible or extenuable alone, as those of General Jackson were at New Orleans, in view of the circumstances and exigencies under which he acted, and are not on trial now. Every man who wears a high commission may at some time or other be constrained to act upon the maxim which, with the aid of the gentleman from St. Louis, (Mr. Gantt,) I was enabled to recall and enforce in the

language in which it was written—the oath or the charge to the Roman Dictators, and which I believe to be the gist of the oath we have taken here—*to see that the State suffers no detriment*. It was to redeem that oath that I instituted an investigation during our former session into the circumstances of the "conspiracy" then foreshadowed and since developed—and it is to still further redeem that oath, and thus discharge my *whole* duty, that I shall vote to sustain to the fullest the report of the committee.

Mr. Gamble. I have listened with something of interest, and, I confess, with some little disappointment, to the early part of the speech of my able and eloquent colleague (Mr. Wright)—that part of his speech in which he addresses himself to the question of power of the Convention to do what is proposed to be done in the report. Mr. President, who are we that are here assembled? Who are these respectable gentlemen that I see here, and who ordinarily are not found in the legislative bodies of this State? What is the object for which they are assembled, and what are the circumstances under which they are collected? What are the powers that they came here to exercise? Sir, this is not an ordinary legislative body—not an ordinary body met under the Constitution of the State of Missouri for the purpose of considering its ordinary interests, and pursuing the ordinary train of legislation. This is not a body, I say, assembled under the Constitution of the State by its direction. It is a body assembled by the people, directed by the people themselves in their original capacity. It is true that an act of the General Assembly was passed directing the mode in which the people were to select the persons who were to be the representatives here. But still, sir, that was only a direction, only a part of the machinery by which the people were to exercise their original sovereign right of sending persons to an original, extra, and supra constitutional body; of sending their delegates to a body here with powers such as are not powers delegated by the Constitution—a body not mentioned in the Constitution, not contemplated in the Constitution, with powers that are to be delegated according to the ordinary machinery, but which are delegated by the people in their original sovereign capacity for the purpose of carrying out the will of the people.

We are met, then, under peculiar circumstances; we are a peculiar body, and we are to act upon peculiar questions. Those are questions that involve the highest interests of the State, with whose interests we are supremely charged. And now, what should be the object of each one of us? Is it to represent a party? Is it to represent a party connected with the administration of the Federal Government, or opposed to it? Is it for the purpose of representing the interest of any of the defunct political parties that have now passed from the stage of public action? We have nothing to do with them. We come here and are to act with reference to no question that concerns them or their past history, their future resuscitation or domination in this State. We are to act for the people of the State of Missouri in reference to *their interest*, to *their honor*, in reference to the perpetuation of the blessings which we have enjoyed as long as we have trod the soil of Missouri.

But, sir, should there be a feeling that one is to obtain a triumph over the other, should there be one class of members that aim to obtain a triumph over another, certainly the only triumph now worthy of attainment is that of being found more faithful than others in the discharge of the duties which have devolved upon us. When, therefore, the Committee has presented its views, let there be no other carping or quibbling than is necessary for the vindication of the honor of the State; and if those views do not meet with the approbation of all the members of the body, let those who dissent from them suggest something better. I, as a member of the Convention, will take anything, coming from any quarter it may, that shall seem to me best calculated to advance the interest and honor of the people of this State. Such should be the feeling of every gentleman who occupies a position on this floor.

The question first agitated by my eloquent colleague was the question of power. What is the power of this Convention? I have already said that a Convention is an extra-supra-constitutional body. The history of this question of power is a history that belongs to the machinery of our Government from the time it was first inaugurated. Sir, when the Constitution of the United States was adopted, an evidence of this inherent power of Conventions was presented in the words of the preamble; "We the people of the United States, for the purpose of, &c.," and at the end it says that "when the instrument is ratified by Conventions in nine States, it shall go into

force." Who are those Conventions? Why, they are just such bodies as this, chosen by the people to take into consideration the question of the Constitution of the United States, clothed with all the power of the mass of the people in each State, and the adoption by them was an adoption by the people of the whole State just as emphatic as if the people had assembled in one great mass, or at the polls. Sir, nobody ever heard of the Constitution of the United States being submitted to the people, or ratified by the voice of the people of the States. It was adopted by *Conventions chosen in the States*, and when they were so assembled they represented and united in themselves all the political power that was possessed by the people of the States themselves.

The gentleman made an error in regard to the general assertion that all Constitutions must necessarily be submitted to the people. He corrected himself afterwards, having discovered during the time of adjournment that he was wrong. Although he denounced it unconstitutional and as a mere usurpation, he still discovered that the Constitution of the State of Misrouri never was submitted to the people.

Mr. WRIGHT. I said, for the last fifty years I did not know of any Constitution being adopted which was not submitted to the people. I did not intend to speak with mathematical accuracy. A doubt occurred to me at the time, whether our own Constitution was submitted or not. I made no reference to the Federal Constitution.

Mr. GAMBLE. I am not sufficiently acquainted with the other States of the Union to be able to say whether they have submitted their constitutions to a general vote by the people, but I do not believe it is at all necessary. We have exactly the same authority as the Convention which amended the Constitution before. Our authority does not depend upon the question of ratification, and although there was a vast amount of "humbug" in the Congress of the United States in regard to the Lecompton Constitution and the obligation of submitting it, still the position there taken by some gentlemen would not have been taken had it not been that a fraud was committed in the manner in which it was submitted. But, sir, even then those who were entitled to stand fully as high as any others who were combating the question, maintained that a Convention duly assembled and representing the people honestly, had all the power that the people themselves would have had, and that the Constitution itself would have been valid. I say, therefore, that the validity of a Constitution does not depend upon the vote of the people. The gentleman asked a question as to the Constitutions of the different States. I did not undertake to answer it, because I did not make the necessary investigations, but I have no doubt at all of the principle that a Constitution, when adopted by a Convention elected by the people for the purpose of adopting a Constitution, is valid without any submission.

The gentleman furthermore misapprehends, evidently, when he comes to the question of power as conferred by the call. Now, I say this, that when a Convention is assembled, it has all the power that the people could have if they had all assembled in one vast plain, unless there has been some limitation upon the power. They are almighty as far as the people themselves would be almighty in respect to their own government, if they were gathered in one great plain. But there may be a limitation imposed, and the question is, "Is there a limitation?" If there is a specified proposition or duty imposed upon the Convention by the terms of election, then the Convention are to direct themselves in the exercise of that power by the limitation which is contained in it. In this connection the gentleman speaks of the call as containing what it does not contain, and it is wonderful that he should have been so inaccurate in reference to the provisions of the very law under which this Convention was called. He says that law required that all our actions should be submitted to the people. It is a total and absolute mistake, unless he supposes, as the parties which called the Convention supposed, that all we had to do was to pass an ordinance of secession. [Laughter.] That is the only way in which the proposition is true.

Mr. WRIGHT. I would ask my colleague whether he thinks the call was not the whole sum and substance of the measures to be adopted under it?

Mr. GAMBLE. I am speaking of your representation of the limitation placed on our action, and I say that it requires no submission.

Mr. WRIGHT. I am always willing to be corrected, particularly by one so much more experienced and able than myself; but I am not incorrect in my statement. I said that the people required that all the Convention did under that call should be submitted, and that I re-affirm.

Mr. GAMBLE. That is the very thing I deny, unless the gentleman supposes that, under that call, all we could do was to pass an ordinance of secession. I will read the words of the act itself.

[Here Mr. G. read the act calling the Convention.]

Now, sir, suppose that instead of passing an ordinance of secession we had passed provisions for arming the State, were we bound to submit that? Suppose we had appointed Commissioners to attend the Confederate Congress or any other body, were we bound to submit that? And yet we are called to take all the measures we shall deem expedient for the purpose of vindicating the honor of the State. I say, therefore, it was another inaccuracy in the gentleman to suppose that we were bound to submit everything, unless we assume that all we *had* to do, was to pass this ordinance of secession.

Now, as we do not propose to pass an ordinance of secession, we are not under any obligations, according to that call, to submit what we do to a vote of the people: and if we submit anything at all, it is simply in conformity with the democratic principle of our Government—it is in deference to the principles of that party which has prevailed in this State ever since I came into it, and has always kept me in a minority. [Laughter.]

Suppose you regard the call as a limitation on the power to be exercised by this Convention, the question then arises: Is that call such a limitation as that we have not the power to do what we now propose to do? Let us see what it is we are to do. We are to consider the relations between the Government of the United States and the people and Government of different States, and the Government and people of the State of Missouri, and adopt such measures for vindicating the sovereignty of the State and the protection of its institutions as shall appear to us necessary. Now, sir, I would just put this one question: Are we confined to any particular set of measures? Are we, in the first place, confined to any particular view as to what is necessary to vindicate the sovereignty of the State? Are we only to take one view? If that be the case, it was nonsense to call the Convention. They might have just as well enacted that the Convention should be called to pass an ordinance of secession. But I take it that the words themselves fully authorized this Convention to do anything that in their judgment may be necessary for vindicating the honor and maintaining the institutions and rights of the people; we may adopt any measure; no odds on whom it operates, whether it operates upon the people of the State, whether it operates on the officers of the State, or the Governor, Legislature, or in any way so as, in our judgment, to vindicate the sovereignty of the State, we have a right to adopt it. I repeat it, we are not limited in the consideration of the subjects that are to come before us. If, therefore, now we find a war waged upon us by the people of another State, cannot we take measures in reference to that? Is not that included in the relation we bear to the people and government of a sister State? Unmistakeably it is. Suppose our Governor is engaged in that war, cannot we take some measure in reference to him? Is not it involved in the very words of the call, that we shall take such measures as we deem necessary for vindicating and maintaining the honor and independence of the State? Really, that seems to me so perfectly plain, that I do not know how any man can avoid seeing that it is involved in the language of the call itself.

Now, as to the fact, let us inquire for a moment into the actual position of our Government at the present time. Here are certain relations existing between the State of Missouri and the United States. If our Governor offers any impediment to the maintaining of these relations, shall not we brush him out of the way? Shall we not brush any of those away who hinder us in maintaining our proper relations, as the people of Missouri, to the people of the United States? I say that whoever stands in the way, be he Governor, Lieut. Governor, or anybody else, is a fit object to be swept away by the action of this Convention. To say anything else is almost to say that the language of that act has no meaning.

Now, I do not go into this matter of treason charged against a particular man. I think, myself, that by the relation the Governor of Missouri holds to the people of Missouri at this time, he stands in the way of the proper adjustment of our difficulties, and the restoration of peace.

When the Legislature undertook to call this Convention together it was under the impression that the condition of public affairs demanded that such a Convention should be called. If that call itself is to be regarded as the limitation of power, which otherwise would be absolute, it contains within itself all that is

necessary to justify the consideration of the subjects reported by the Committee. Now, as to the matter of submitting our affairs to the people, the gentleman has spoken at large about it, as if there was a great danger of some assumption of power. When we look at the call and see the only thing the people cared about was the submission of an ordinance of secession, there would hardly seem to be much danger of an assumption of power to which we are not entitled.

So far as the *expediency* of submitting anything to the people is concerned, it is a question entirely for the Convention to determine. If they choose to submit it, they may submit it. They may submit their action either wholly or in part. The gentleman says our report is evidence that we agree that there is an obligation to submit. We do no such thing. It is not because we are under any *obligations* to submit, but because we deem it expedient and desire to bow to the Democratic principle, that we shall do so at all. He says that we have made great complaint because the Southern Conventions did not submit their action. What were they? Some of them adopted constitutions when there was no such thing in the act calling them as would give them authority, and they went on adopting relations to other States and what is called the Southern Confederacy, without any authority in that respect from any body. The State of Virginia, my own native State, passed an ordinance of secession and submitted it the vote of the people. And now we would suppose, as a matter of course, they would regard themselves in the Union until the people of the State had decided otherwise; but instead of that, just after the ordinance was passed, they sat down and made agreements with Commissioners of the *Confederate States*, by which the State of Virginia, still being in the Union, is entitled to a voice in the Federal Congress, and turns over absolutely her whole military power to the control of what she was bound to consider a foreign enemy. That was my own native State.

Now let us look at the action which is proposed by this Convention. I say that if Governor Jackson stands in the way of the measures we deem necessary for the safety of the State, we must brush him aside, and we clearly have the right to do so. Well, is he so in the way? I do not intend to say anything disrespectful of him more than this, that he has misapprehended his true position and his duties. When he was elected by the people of Missouri in August last, it was certainly not with the idea in the minds of the people that he was to disturb the relations between the people of Missouri and the United States. If he had only announced that he was in favor of taking the State out of the Union, he would not have got as many votes as are polled in one of the large counties of this State. But he did not so announce it. The people understood that he was a Union man, and, according to my understanding, he gave every reason to believe that he was. When elected, he swore to support the Constitution of the United States and of the State of Missouri. Was he sincere in that? Now I suppose that he was sincere, whatever his opinions might have been. But what were his *opinions* at that time?

[Here Mr. Gamble proceeded by the same train of argument as that pursued in the address to the people of Missouri, to demonstrate the treasonable purposes of Gov. Jackson and Lieut. Gov. Reynolds, and the subsequent co-operation of the Legislative Department with them. He concluded by calling upon the Convention, as an imperative necessity, to vacate their offices, and vindicate the sovereignty of the State.]

Mr. Woolfolk. Mr. President, I desire to occupy a short time in explanation of my position in reference to the first section of the report of the Committee. This section involves but two questions—the power of the Convention to make the proposed amendment, and the expediency of doing so. The question of power has already been so ably argued by the gentleman from St. Louis, he has so conclusively shown it to exist in this body, that I deem it unnecessary to touch that branch of the subject. But gentlemen object to the exercise of the power, upon the ground of expediency. They dislike the idea of making innovations, of revolutionizing the State. Now, sir, I deny that the Convention will be revolutionizing the State by declaring these offices vacant. We are not the revolutionary body. The Legislature and the Governor have themselves been the revolutionists. A revolution is a material or entire change in a form of government. Secession would be revolution, as it would destroy the Constitutional relations existing between this State and the Federal Government. Our Convention last winter refused to change our relations to the Federal Government. The Legislature, however, disregarded our act. They met in secret session, and

among other odious enactments they pass a Military Bill, plainly unconstitutional, and evidently intended to bring on a conflict between the State and Federal authorities. Its oath and its provisions (sec. 167) for dispersing all armed inhabitants of the State not organized under the bill, clearly looked to such a conflict. Under the provisions of that bill, the Governor could order the State troops to attack the Arsenal at St. Louis, and it would have been their duty to obey him. Governor Jackson, too, by his proclamation, has assumed prerogatives that did not belong to him. He usurped by one stretch of power all the sovereignty of the State of Missouri. He assumed the power to determine our Federal relations, although that question had been committed to the Convention. Sir, was not this revolutionary? The Governor's powers are defined in the State Constitution. That instrument gives him no power to determine our Federal relations—to declare war against the Federal Government. Was it not revolutionary then, sir, for him to assume such powers? Was it not revolutionary for him to grasp the crown of sovereignty with one hand and with the other wave over our heads the glittering sword of rebellion, calling for fifty thousand men to resist the Government? He has sought to place a State in the Union in antagonism to the Federal Government. He conjures up a storm in our midst, and flies like a craven from its fury. He abandons his office, abandons his State, and lights his flying pathway with the conflagration of our public property.

This Convention, sir, is not revolutionizing the State. The Legislature, by their Military Bill, and the Governor, by his Proclamation, have already done it. We merely propose to exercise a legitimate power — declare their offices vacant; submit an election to the people as early as practicable, and ascertain whether they are in favor of the revolution which is sought to be inaugurated. The people, sir, have the right to demand that they shall be consulted upon a matter of such vital importance as that of altering our Federal relations. Our bill of rights affirms the power in the people alone to alter or abolish their form of government. Shall we then, sir, permit our Governor and Legislature to alter and abolish our form of government, trample the Constitution under foot, and plunge our gallant State into an ocean of storm without consulting the people? No, sir. The people have the right to speak, and, as far as I have the power, I will enable them to speak upon a crisis so important. If the fiery tempest of desolation that now lowers above us, is to burst on our defenseless heads, I want the people of Missouri first to invite it. We have not been the authors of this revolution, and I am unwilling that we should become its victims. Our gallant State has been fettered long enough by an Executive and a Legislature who seem determined to bind us hand and foot and deliver us over to the Southern Confederacy. Like the fabled Prometheus, we have been chained to a rock, while these vultures have preyed upon our vitals. They have plunged us into a fearful struggle with the Federal Government without consulting us. They have taxed us three millions of dollars to carry on the war. They have inaugurated in our midst the bloody tragedies of Boonville and Carthage; have covered our State with armed soldiers; sullied our honor; painted our streets with blood; desolated our hearthstones, and gathered about us the shadows of a night of anarchy that are fast enveloping our land in gloom. Surely, sir, it is our duty to permit the people to say whether they will have this revolutionrry state of things or not.

But gentlemen object to declaring these offices vacant, upon the ground that we will have war whatever may be our action here; that it will but serve to organize two parties in the State, one in favor of Jackson and the Legislature and the other against them. These parties, sir, already exist. The Jackson party are thoroughly organized, and our action will not add to their number. Those who are in favor of Union and peace will sustain the Convention; those who desire secession and war will oppose us. Admit, sir, that we will have war whatever our action may be: is it not better that the people of the State should understand upon what principles that war is conducted? If the people of the State at the ballot box decide in favor of the action of the Convention, in favor of peace, and against this war of Jackson against the Government, it will have a moral power—*vox populi, vox Dei.* If Jackson and his partisans shall afterwards invade the State with Indian allies and Confederate troops, they will plainly be acting in disregard of the expressed will of the majority. Their only object, in that event, will be disturbance and conflict. It will be a war of the minority against the majority. But the gentleman from Clay says there will be war

even though this should be the case. Then, sir, are the majority to submit to a revolution, because, forsooth, the minority will disregard their desires, and continue the conflict in spite of their expressed wishes? Have majorities no rights? If the people of this State are loyal to the Government, they are surely entitled to be represented by a loyal Governor and Legislature. They have the right to demand that there be no clash between the Federal and State authorities—that no revolution shall be attempted without their consent. I must confess, sir, that I could not appreciate the argument of the gentleman from Clay, that the majority should submit to the present evils, because the minority will continue this war regardless of our action. Much, sir, as I deprecate civil strife—much as I love peace—I will never purchase it at the price of liberty. I will never consent that a minority shall wave over our heads the blood-red standard of rebellion, when even the gentleman from Clay admits that submission will not secure peace. If we are to have war upon these terms, let it come. The right of the majority to rule is a fundamental principle of liberty—and if the people of this State shall endorse our action in the manner provided by the report, and shall decide in favor of Union and peace, we will hurl back the invader who comes for the purpose of creating strife in our midst. The idea of letting Gov. Jackson and the President of the United States fight it out, is decidedly a novel mode of getting rid of our difficulties. Has the State of Missouri, sir, no interest in the conflict that she should adopt this sentiment of the gentleman from Clay? Is it a matter, sir, of no importance to us, that under the guise of State authority we are taxed three millions of dollars for the purpose of waging war against a government which we have no desire to destroy? Should this Convention remain an indifferent spectator, while we see our chief Executive misleading our citizens by his proclamation, staining the tented field with the blood of our noblest chivalry, and lighting up the State in one general conflagration? The gentleman from Clay tells us that Union men have taken up arms in support of Jackson. They believe their allegiance to the State Fxecutive is paramount to that which they owe the Federal Government. His position as Governor has enabled him to bring these calmities upon us, and it is our duty to rob him of the power to inflict such injuries. Our State demands it at our hands. She is bleeding at every pore. She has been humiliated in the person of her Governor, and her beaming brow has been laid in the dust. Financial ruin is upon us—confidence is destroyed. Our laborers are without employment. Emigration is flying from our borders, while in our midst anarchy is reigning, and the red arm of the assassin is daily lifted against the life of innocence. It is probable, sir, that this Convention may be the last representative body that will assemble in this capitol for years. It is our duty to do our utmost to restore peace, law and order to our State. We can only do it by vacating the offices of those men who are laboring to bring these calamities upon us. We must take our position, sir. We must be for Jackson or against him. There is no half-way ground. If we indorse him, let us sustain his policy in this Convention. If we oppose him and his policy, let us do our utmost to relieve the State from the evils of that policy.

Mr. President, I have been astonished at many of the conclusions asserted by my eloquent friend from St. Louis (Mr. Wright). He pictured in glowing colors the clouds gathering in the sky of our country, and he wandered gloriously amid the darkness and tempest as though he were the spirit of the storm. The darkness surrounding us seemed to add a brighter gleam to the gentleman's genius, and he flashed forth like some splendid meteor from the clouds, only to fade away and leave the gloom more cheerless. I find no objection to many of the gentleman's positions, although I differ with him entirely as to the conclusions to be drawn from them. He condemns the unconstitutional acts of Mr. Lincoln, and so do I. He condemns the abolition of the freedom of the press, the suspension of the habeas corpus writ—and I will not quarrel with the gentleman upon these questions. He deprecates the existence of this war, and I heartily concur with him upon this question also. Like the gentleman, I see little of good to result from this war. It is costing the Government $400,000,000 per annum, while our revenue will be less than thirty millions. If the Government fails to subdue the seceded States, it will terminate a disastrous war with an empty Treasury and a shattered Union. There will exist, too, an element of disloyalty in all the border slave States, which will be increased in consequence of their having to assume their portion of the immense debt that will have been accumulated. They might be tempted to revolutionize, in order to free themselves from their propor-

tion of such a debt. The theory of secession will have been recognized, and we may well fear that disintegration will continue, when patriotism becomes connected with burdens. Is there not danger, sir, that this state of things may transpire? We are rapidly increasing our national debt, and as yet have made little progress in subduing those States. I do not believe it possible to subdue them. They have seven hundred thousand fighting men and a territory larger in extent than the whole of Europe. If defeated at one point they will make a stand at another. Every mountain top will bristle with bayonets, and armed men will spring up to resist the invader from every fastness of the South.—Were the war to be limited merely to the soil of Virginia, there might be some prospect of success. But over such an extent of territory it would require a quarter of a million of men to hold important points that may be reduced to subjection. It would require an immense preponderance of strength and resources in order to succeed under such circumstances. I do not believe that the requisite superiority exists, and I regard any attempt at subjugation as madness. You might as well attempt to extinguish fires scattered over a broad prairie. No free people, sir, with the resources of the South, have ever been conquered. England attempted subjugation under more propitious auspices, and failed. Her conquering armies often crossed the Tweed—thundered at the gates of Edinburgh, and reduced every important fortress in Scotland to subjection, but yet as often a gallant and free people arose, under a Wallace or a Bruce, and shook off the yoke of the oppressor. She never succeeded in subduing Scotland by the sword, and only acquired her at last by placing a Scottish king upon the throne of England. She tried it with Wales—but the rugged inhabitants of the mountains, conquered tor a time, would rise again in rebellion. Coercion failed, but conciliation finally won them to the British crown. But were the attempt possible, sir, I should deprecate the subjugation of those States as the greatest national calamity. The framers of our Constitution never contemplated such a state of things. The Union which our fathers formed was voluntary. They were drawn together by their mutual interests—wedded as it were by the common battle-fields of the revolution. In the Federal Convention, which formed the Constitution, Mr. Randolph introduced a resolution giving to the Federal Government power to call forth the force of the Union against a refractory State; but the clause was striken out at the request of Mr. Madison. Hamilton, Gerry, Dawes, Rufus, King, Jefferson—in fact, a large proportion of the statesmen of that day, agreed with Mr. Madison. They affirmed that the attempt to coerce a State would result in nothing but civil war—that it would involve the innocent equally with the guilty; that the loyalist and the rebel would be equally punished. For these reasons the framers of our Constitution gave the Federal Government only power to act upon individuals. The reason which they gave for the refusal of the power to coerce a State will apply to-day to our national difficulties. I cannot believe that the framers of our Constitution contemplated the suppression by military power of a rebellion of the present magnitude. Mr. President, there never was a republic saved by the sword. It is an axiom as old as free government itself that republics must be preserved by conciliation and not by military power. Suppose, sir, the Federal Government should subjugate those States—would a Union pinned together by bayonets be a Union of equality? No, sir! You must hold those States as conquered provinces or else the Union must be voluntary. Imagine, sir, that those States have been subjugated. That the stars and stripes have been planted upon every battlement of the South. The subdued section again sends its members to Congress. The Southron meets his Northern brother in the council halls of his ancestors. Will he not meet him as the subdued Saxon met his Norman conqueror? Will he not feel himself belonging to an inferior race? Disguise it as you may, one section will have triumphed over the other. The South will have passed under the "caudine forks." Sectional inequality will have been established upon the battle-field, and sectional distinctions will have been drawn which time can never eradicate. The overweening pride of the victor will cause the blush of shame to mantle every southron's cheek, and nurse in his bosom the deep, undying hate which only the vanquished freeman feels. He will no more visit the council halls of his ancestors with the buoyant step of the freeman. They will waken no glorious memories of the past; but he will go to them as the quarry-slave to his dungeon—driven by the lash. Subjugation cannot preserve the Union in the spirit of its founders. The idea is revolting. If it requires the sword to save the

Union, it will take the sword to preserve it. We must form a military government and abandon our present system. We must destroy the wonderful harmony of our present distribution of powers — powers distributed to the Federal Government—powers distributed to the States, and powers undistributed, but reserved to the people. We must abolish State lines and form a consolidated government—having a great central power—sufficiently strong to crush out all resistance to its authority. Mr. President, I have no hope in subjugation or in a peaceful division of this Union. I see but one bow of promise gilding the crest of the storm. This war must soon exhaust both sections, and when the violence of passion is abated, conservatism will assert its supremacy. The Northern merchant, shipbuilder, and manufacturer, are almost entirely without employment. Their Southern trade has ceased. The Northern agriculturist is shut out from his Southern market by the blockade. The products of his farm have sunk to half their usual value. In a word, sir, the sum of two hundred and seventy-five millions revenue, per annum, from Southern exports, has ceased to flow into Northern coffers. In addition to these evils, the North finds itself accumulating an immense burden of debt. At the South, similar evils exist. The blockade has prevented all shipments of cotton. Provisions must become scarce, as they can no longer be obtained from the agricultural States in the Union. In addition to these evils, they are taxed heavily, and required to advance one half their cotton crop as a loan to the Government. There were not sufficient causes, sir, for this revolution, to justify such sacrifices. I will not believe that the sections will long continue to inflict these calamities upon each other. Will not the North soon change its present attitude of "no compromise with traitors"—and the South become willing to accept of an amicable adjustment? Will not the conservative element at both extremes arise in their might, and force the calling of a National Convention? If they do, I believe the same element will force a compromise and the Union will be saved. Already, sir, we find noble spirits at the North laboring for this object. The conservative element of the border slave States should rally to their aid.

I believe, sir, that the gentleman from St. Louis and myself will agree in many of our views upon national politics—but, unfortunately, we differ almost entirely in our conclusions. Neither the gentleman nor myself indorse any of the unconstitutional acts of the present administration. But if he has violated the Constitution, the instrument itself provides a mode of impeachment. Shall I take the law, then, into my own hands, and lift my arm against the banner of my country, because I dislike the present standard bearer? Surely, the gentleman does not desire to inculcate the theory that we should rebel against the Government whenever the President violates the Constitution. The Supreme Court decided that President Jackson acted unconstitutionally when he vetoed the National Bank and removed the deposits, but the gentleman did not then desire to rebel against the Government. Every chief Executive has perhaps violated the Constitution, and if this theory is to be accepted we will be in a perpetual state of anarchy. But I especially regret to see the gentleman from St. Louis absorb himself in National politics to the entire exclusion of the condition of his own State. Admit that the gentleman has abandoned hope; that he has nothing of good to expect for his country, is that a reason why he should fold his arms and permit his own State to be desolated by hostile armies, when, perhaps, he may aid in averting so fearful a calamity? Had this Convention the power, I would be willing to declare the office of President Lincoln vacant, and submit a new election to the people if I thought it would have a tendency to restore peace. But if we are unable to accomplish this, shall we, therefore, refuse to vacate the office of Governor Jackson and leave our noble State to be tossed amid breakers that will wreck her forever? The State of Missouri has had no part in bringing these calamities upon the nation. She has never trampled the Constitution under foot. She has never banded together with the enemies of her country. She has always stood between the extremes. She has neither voted for Lincoln nor secession. She has stood like a faithful sentinel upon the ramparts of the Constitution, and when an enemy has approached she has sounded the alarm, whether that enemy came in the guise of a Secessionist or the garb of a Republican. If, then, the tempest with its thunderbolts is to burst anywhere, let it burst above those States that brought on the conflict, and leave the fair sky of Missouri unruffled by a cloud. If the gentleman is correct in abandoning hope and our Union is doomed to perish, let our own State at least live forever.

Mr. President, I regretted to hear my eloquent friend from St. Louis abandon all hope for his country. I fear that a despair so dark may corrupt the fountains of patriotism. Let the gentleman never look beyond the Constitution for a redress of grievances, and I believe he will then find his patriotism enlarged and his hope increased. I have no hope, sir, beyond my country—no refuge beyond the Union of my fathers. I shall cling to it as Ruth clung to Naomi. I shall cherish it as I do my dreams of liberty; and if the red arm of sectional fanaticism shall destroy it, I shall still clasp its cold corpse to my heart and embalm it with my tears. But if, at last, I am convinced that the gallant and noble race that have dwelt in this paradise of liberty are unworthy to inhabit it, that they have determined to tear down this glorious fabric of human government, and stain its fragments with fraternal blood, then, sir, I shall abandon hope and fling its faded garlands upon my country's bier. But when I do, sir, I shall pray God that the guardian genius of Liberty will drive forth the American race from an Eden which they are unworthy to enjoy; that she flash her flaming sword before the portals of this earthly paradise, forbidding that an American foot shall ever desecrate its sacred precints, and that she invite to these shores the down-trodden and oppressed of other lands, who will better appreciate the blessings of freedom.

Mr. Sayre. I cannot help accepting the challenge thrown out by one of the speakers who has preceded me on this floor, namely, to point out some means whereby to restore peace and harmony other than those proposed in the report of the Committee. I have some thoughts that seem to justify me in the belief that a different course of conduct might result in good. I do not yield to any gentleman in my attachment to the Constitution and the Union. Though the rights of the citizens of Missouri have been invaded; though the Federal administration with rude hand attacked the sacred rights of the judiciary; though under cover of protecting this State, Home Guards have been illegally formed all over her her territory, and committed heart-rending outrages upon private citizens, and shot down defenseless women and children; still I will not give up my attachment to the Union. I am still opposed to secession in all its phases. I cannot see in it any remedy for the evils that oppress us. But, Mr. President, I still holds a I did when this Convention was last assembled, that in order to have peace returned to our borders, we must obtain from the North guarantees to our rights by amendments to the Constitution. We must give the Northern mind time to act and give us justice. While we patiently and forbearingly endure the oppressions which are now being heaped upon us by fanatical men in power, we must persist in calling upon the conservative portion of the Northern people to resume the sway which they have temporarily yielded and see that justice is done the South. Sir, we must expect to suffer. Our ancestors labored long and hard for redress of their grievances, and so must we. I still hope that our amicable relations may be renewed. But it only can be done by reaching the Northern mind and by compromise.

Again, sir, we should not put ourselves into an attitude of deadly hostility to the South. It will not do for us to give away for this cry for war, and to foster the animosities that are already existing between the various portions of this country, by putting ourselves on the side of the Administration, and giving our support to its warlike measures. It will not do for us to call a million of men, who are now in open rebellion against the Federal Government in the South, *rascals*. They may be deluded, but the great majority of them are earnest and sincere. They do not take the question to be whether we have a Government or not, but whether or not it shall be perverted from its original purpose and put upon the side of freedom—a Government of absolute freedom to both the black and white races. It is to them a question not even of liberty, but of existence. It is to them a question whether their land shall be made uninhabitable or not. Let the Southern mind be once thorougly convinced that the North does not intend to make war upon its institutions, but will offer the protection understood to have been afforded originally by the Constitution, and their men, singly or by platoons, companies and regiments, will cease fighting and return to their homes. Their arms will drop from their hands, and their leaders will be left alone.

Mr. President, I cannot help thinking that instead of creating rival Governments, and setting up rival Courts, and sending rival Sheriffs over the State, thereby inaugurating a system of civil warfare in every county, we should try to disabuse the minds of those who have been deluded and present to them reasons for speedy return to the acts of peace. This policy would be better, sir, than the carrying

out the suggestions of the Committee. It is preposterous to think at this time, in this age, in this country, men should resort to physical force rather than persuasion in order to restore peace. Let us not encourage this war between two classes of our citizens. Let us rather call upon the followers of Jackson to come home. Let us tell them that a majority of the State is not in favor of the measures which they have inaugurated—that a majority have decided against secession, and they, like good peaceful citizens, are to acquiesce in the decision. I believe that our people have sense enough to govern themselves. I believe that they recognize the fundamental principle of Democratic government, but they believe (and here is where the trouble lies) that the people of the United States have invaded their rights. —They have misapprehended the right of the United States to send troops here, and look upon it as a hostile demonstration, but they are open to reason. Let us point their error out to them. We are competent for that purpose.

I have said that the United States had a right to send troops through the territory of the States, but I do not grant that it has a right to use them for such wicked purposes as those for which they have frequently been used of late. I think it is an outrage that the troops should undertake to administer law and justice—take prisoners of the lords of the land; and that unoffending citizens should be dragged from their homes, confined in dungeons; that their houses should be wantonly searched, and the peace and quiet of their families jeopardized. I think that this war against the South is a horror and an abomination, and I hope that the time is short at hand when those who have instigated it will be hurled from their seats of power. How many were here at our last meeting who said they would take up the bayonet if an attempt was made at subjugation. How different is the sentiment now. Has truth changed? No, truth has not changed. What success has the attempt at subjugation met with? None; it has only plunged the country deeper into difficulties. Still, I do not believe the wrong will finally prevail. I do not believe that *might* shall overrun *right*, even now. I still hope that we may be able to restore prosperity and peace.

Mr. Sayre then began to review the arguments of Messrs. Gamble and Wright in regard to the power of the Convention to depose the State officers, and expressed his assent to the opinions of the latter. He also held that the courts would be competent to review, and would be likely to annul the action of the Convention.

Mr. Birch. If the gentleman will permit me, I would like to inquire whether any case has ever been presented for judicial decision, growing out of a Convention originated and constituted as this has been, unless for the assumption of authority inconsistent with the Constitution of the United States.

Mr. Sayre. Yes, sir; the case of Rhode Island.

Mr. Birch. Does the Rhode Island Convention assimilate to this one? Was there any enabling act of the Legislature, or did the Legislature expressly refuse to pass one?

Mr. Sayre. They thought at the time they had a legal Convention. The people of that State lived under a charter obtained from one of the Kings of Great Britain. They were dissatisfied with it. They attempted to obtain a revision of their Constitution. They elected members to a Legislature, who gave power to the people to elect delegates to this Convention; but its competency and the legality of its acts were afterwards questioned by the courts.

Mr. Hitchcock. Does not the gentleman recollect that the question on which the decision was given against the Convention had its foundation in this: That there was no legal sanction whatever in the selection of delegates, and that the Supreme Court of the United States treated the question of government as a political question, and refused to decide one way or the other?

Mr. Sayre. The ground they took was that the Convention had not competent authority; but as the gentleman is so anxious to dispute my point, I will ask him whether he denies the authority of the courts to decide on the legality of the doings of this Convention?

Mr. Hitchcock. Most unquestionably I do.

Mr. Sayre. I thank the gentleman for his sincerity. Really, Mr. President, we have come upon strange times. Here is denied plain authority of our judicial tribunals. It is denied by gentlemen whom I have given credit for much sense and high legal attainments. Has it come to this? As well might we arrogate to ourselves the powers of the French National Convention, and take property and life at our discretion—cut off the heads of those who do not please us. But this is only one of

the illustrations of the danger there is in departing from the first principles of the Constitution, and being carried away by the madness of the times.

Mr. President, I would submit that we have no right to depose any man from his office. It would be depriving him of a franchise. An office is property. The offices we are attempting to vacate are contracts between the incumbents and the State, and we can no more deprive them of their offices than we can take from them any other property—than we can take from any farmer his farm—than we can annul any other contract duly entered into. We can amend the Constitution and provide ways by which the Constitution can be amended, so that officers can be elected and followed by other officers in due course of time; but we cannot vacate any offices heretofore established by law. Let us then leave the Government of this State unaltered. Let us appeal to the patriotism, reason and intelligence of our citizens. Let us say that it is true we are suffering much, but that the majority is for the Union, and that it is their duty to submit to the decision of the majority. At the same time let us appeal to the Government of the United States to relieve us from the monstrous oppressions from which we are now suffering at its hands.

Mr. Hitchcock. I rise to a personal explanation. I do not desire to be misunderstood in respect to my answer, necessarily brief, to the question of the gentleman from Lewis. I admit that the Courts of this State may properly pass upon cases which may arise in consequence of the action of this Convention. But the decision of the Courts in such cases is bound, in my judgment, to recognize the rights and powers of this body, which rights and powers have been, as I think, correctly explained by my distinguished colleague, Judge Gamble. The Courts are bound, in my opinion, to recognize and act with reference to the extra and supra constitutional rights of this body in like manner as they are bound to recognize the constitutional enactments of the Legislature within its sphere; and in that sense the Courts have no more right to control and set at naught the legitimate action of this body within its sphere—large as that sphere is—than they have to nullify and control an ordinary law passed by the Legislature within the constitutional limit of its functions.

Mr. Orr. Mr. President, it was not my intention to submit any remarks to the Convention on this occasion, but things have been said on this floor which have struck me with astonishment. First, there was the eloquent gentleman from St. Louis, who, although he is a great advocate for law and order, still occupied the Convention in a one hour's speech before any report of the Committee had been offered. Well, what was the burthen of his speech? It was the first verse, first chapter, first page, in the secession hymn book, viz: "The Union is lost; we have no Constitution; we have no government; Abe Lincoln is a usurper, and Frank Blair is an assassin." [Laughter.] I have been pained to hear such expressions as that, not only from the gentleman from St. Louis, but from all the balance, (not secessionists, for they say there are none here, but gentlemen that feel disposed to oppose any action of this Convention.)

When the eloquent gentleman had got through, my friend, Mr. Moss, offered a resolution that no action of the Convention will avail under the present circumstances; and soon after that, another friend from Saline moved to adjourn *sine die*, no Union man having said a word up to that time. He took the ground that we have done all the business we could, and may go home; that notwithstanding brother is set against brother, and war is devastating our fields, and that the peace and safety of our homes are threatened, we should lay our hands in our laps and look quietly on. And, I believe, another distinguished old white-headed friend, Mr. Woodson, offered a resolution that it would be the duty of this country to acknowledge the independence of the Southern Confederacy. Now what are the reasons given by these various gentlemen for the positions respectively occupied by them? They are reasons very much like those used by boys in debating societies. The gentleman from St. Louis, who, by his eloquence, has, on former occasions, made my heart expand with love for the Union—what reason did *he* give? I could not help thinking, when I listened to him, of a little incident which was reported to me as having occurred in a town in the southern part of the State. A lawyer had a friend living across the way from his office who was a strong Union man. They sent some troops there—some Dutchmen, armed and equipped—and one day this friend came to the lawyer's office and said, "I am no longer a Union man; I am for secession." "What's the matter?" said the lawyer. "Oh, well I am tired of the

Union; I go in for secession." "But what's the matter?" reiterated the lawyer. "The matter? Why, one of these d——d Dutchmen stole a cap from my bed-post. [Laughter.] So I am no longer for the Union, but for secession." What reason did Mr. Wright give? I don't know as he give any reason, nor do I say he is a secessionist; but I know he is a sensible man. He said that his daguerrean likeness had been exhibited in the centre of an exhibition board previous to the taking of Camp Jackson, but that after that it was taken down and Frank Blair's likeness put in its stead. Well, Mr. President, I will admit that was a grievous cause for complaint; but the gentleman also says, "It is nothing in the world but an issue of the bayonet. The law of force will determine our destiny, and I do not care much about which way it works and which bayonet governs." Well, one may fairly ask one's self the question, "is this Government dependent upon whether Frank Blair or Major Wright is stuck in the middle of a group of pictures?" Again, what has the election of Lincoln to do with our continuance or non-continuance in the Union? I admit that a better man should have been elected. I did all I could to oppose him. But he was made President according to the forms of law prescribed by the Constitution, and it is our duty to recognize him as such. Suppose he has violated the Constitution and usurped power, and suppose that he is bent on the destruction of the slave interest, and that he intends to envelop you and me in everlasting ruin—is that a reason why I should give up my Union principles and go in for Secession? I presume not. Our loyalty does not depend upon how Lincoln performs his duty, or whether Frank Blair is an assassin, or whether he is a better looking man in a group of pictures than the distinguished gentleman from St. Louis. [Laughter.]

Gentlemen here are greatly exercised about proving that we have not the power bestowed upon us by the call to depose the Governor. We are told we shall bring in conflict a rival set of officers, and the gentleman last up went so far as to say that the office of the Governor is his *property*. Well, suppose it is. He burned the bridges down here, and we will take his property to pay his debt. [Laughter.]

As for the *power* of the Convention to take the steps proposed in the report of the Committee, it has been so very well argued by others who have preceded me that I need not say a word about it. But here a passage occurs to me from the speech of the gentleman from St. Louis, which I cannot help referring to in this connection. Says Mr. Wright: "The whole will resolve itself into a question of bayonets, and I care but little which way they work." What, sir, am I to care but little how this war is terminated? When at this moment my wife and children may be screaming under the sound of cannon, the whoops of Indians from the border, or the fiendish yell of plunderers and marauders; am I to take no sides in the issue, but look on unconcerned? To be sure, you who are removed from the seat of danger, may consider yourselves safe, and ——

Mr. Wright. I beg pardon of the gentleman. I do not consider any man, woman or child in St. Louis safe.

Mr. Orr. Well, be that as it may, your safety and the safety of your family cannot be placed in greater jeopardy than it is, and has been for some time, in my part of the country. And, sir, I *do* care which side wins. I want to see my Government vindicated. I want to see the Union maintained, and it makes no odds to me if Abe Lincoln's Dutchmen are doing wrong. Mr. President, how can any one sit in this Convention, with a full sense of his duty weighing on his soul, with the knowledge that the people are looking to him to co-operate in restoring to them that peace for which they have so long yearned in vain, and proclaim that he cares not which side wins—that it is a matter of bayonets after all.

Mr. Wright. If the gentleman is solicitous for an answer, he shall have one. I consider Abe Lincoln and Jackson both traitors, and in the contest between them, I do not care if both are killed. Lincoln is a traitor to the Constitution of the United States. He is violating it every day, and in the war between the two I have no choice, because I cannot get my Constitution by any victories of one over the other.

Mr. Orr. Neither do I care about Jackson and Lincoln, but I care something about the *Government of Missouri and the Government of the United States.* Although Lincoln may be a traitor, (I do not know that he is—I know Jackson is,) and he and Jackson ought to be hung, still I am not in favor of allowing our State and National Governments to be engulphed in a common ruin. Sir, I *want* to take sides in this issue, and I want to be on the

right side—on the side of law and right and order.

But we are told that we have backed down from our position in this: that we shall leave the Supreme Court of the State untouched. Well, gentlemen, we have, in this respect, done what you are in favor of; and if you are right, we are improving; and then what are we falling out for, and why should you make such a fuss about it? [Laughter.] We have the right to turn every man in Missouri out, if we think it necessary for certain purposes. We have a perfect right to turn out every Supreme Judge, and we have a right to say there shall not be a lawyer in the State of Missouri, nor a Doctor either, and I have no doubt the Supreme Court will say so. We are threatened here, if we do not neutralize the Supreme Court, that tribunal will neutralize our doings. Well, now, we are not afraid to do what is right, and we are not afraid of what the Supreme Court will do. There is no court that will declare a constitutional law unconstitutional; because the courts all have a legal standing and a character for honesty at home and abroad. There is no authority to order an election for Governor and Lieutenant Governor excepting this Convention. We are going to submit our acts to the people because we believe the people will do what is right. If the people want Governor Jackson, which they did a year ago to my certain knowledge, [laughter], let them vote accordingly, and I will be the last man to grumble at it.

You have heard a good deal said about the Camp Jackson affair, and the one thing I differ about with my friend, Judge Gamble, in this respect, is this: I take it for granted that the Governor had no right to have the troops there. I find from the United States Statutes that no State shall be permitted to keep troops in time of peace. [Here Mr. Orr read a passage from the statutes to that effect.] But it will be said we are not in a time of peace. Gentlemen, this is a time of perfect peace with everybody except ourselves. Then, again, Governor Jackson had called the Legislature, and had issued a proclamation to the militia to deliver up arms and reorganize. In other words, he was saying to the militia: "Gentlemen, you that have arms, Union men, Secessionists, everybody, come up and give us your arms, and we will make you take an oath which will bind you to the State, and make you good for secession, and then we will give you a touch of armed neutrality." [Laughter.] In view of these facts, and in view of the further fact that some of the streets in Camp Jackson were called by the names of distinguished Southern leaders, and evidences were not wanting to show a conspiracy against the United States Government, I think the taking of Camp Jackson perfectly justifiable—nay, more, I think that Lyon, or Harney, or whoever had the control at the time, would have deserved to be hung had they not vindicated the United States Government in the face of such shameless demonstrations against it. I do not justify, of course, the killing of innocent women and children; I deplore it from the bottom of my heart, but I cannot but see the truth of the principle involved in the taking of Camp Jackson. I do not defend any outrages which may be committed by United States troops in our borders; undoubtedly there are instances of such outrages being committed; but, sir, the general disposition is good— is to do us right; and as soon as we can get along here alone, they will leave us, as they are wanted in other places.

Mr. President, I deplore the existence of war as much as anybody. I have always been in favor of conservative measures and peace. I was opposed to a Convention being called. I next opposed the breaking up of our Government. I then opposed the inauguration of civil war. While they were running off men in South Missouri, I made speeches to admonish the people to preserve a state of peace. I am opposed in feeling to hurting anybody. I would not shoot a living thing merely for seeing it flutter. But, when I have tried all the arts of persuasion and peace, and it becomes necessary in the maintenance of my sacred and inalienable rights as a United States citizen to shoot my brother, I am going to undertake the job. Sir, it becomes us that we should go to work energetically, earnestly. Let us make a long pull, a strong pull, and a pull altogether. Let us stand up boldly for the Constitution of our country. We do not intend to turn out of office a solitary man whose suspension is not necessary to the great work of peace. There are plenty of defects in the Constitution to keep us here for months, were we to undertake to remedy them all. But that is not what we are here for. We are here to restore to its former vigor the machinery of government; to call the men who have been deluded into the taking up arms against the Federal Government back to the peaceful cultivation of their fields; to put Missouri in a way where she can again prosper as heretofore.

Mr. Pipkin. Inasmuch as there seems to be a disposition on the part of members of this Convention to close the debate this evening, I propose to offer a few remarks upon the propositions raised by the report of the Committee of Eight.

This extraordinary report not only proposes to *vacate* the Executive offices of the State, but it also undertakes to *fill* those offices thus vacated. It not only undertakes to *repeal* certain laws enacted by the General Assembly of the State, but it undertakes, also, to *re-enact* another law in lieu thereof.

The Committee have assumed both to change the organic law of the State, and in doing so they further propose to make laws for the government of the people. Such extraordinary powers never were delegated to this body, nor never intended to be. At the time of the passage of the act calling this Convention, and during the whole time of our first session, no one ever thought of raising such issues as are now presented for our consideration. No such question entered into the canvass in my district, nor were we elected with any such issues before us. Even if we had the power, Mr. President, to depose all the State officers, and appoint others in their place, I cannot consent to do so, because I was not elected upon any such issues; because my people have not directed me to do so; because I firmly believe the people of my district are in favor of sustaining the sovereignty of the State, and because it would be disfranchising, without their consent, the people of the State, and removing from offices, in violation of the Constitution, those public functionaries whom the people have chosen at the ballot-box.

Does not the Constitution, Mr. President, provide a way in which any vacancy occuring in the Executive department may be filled? If so, then why undertake to travel out of the circle of the call as originally understood, to declare the office vacant, and then proceed to fill it?

I am opposed, Mr. President, to the action of the Committee for another reason. It is this: The Committee proceed to vacate the offices of Governor, Lieutenant Governor, and Secretary of State, without introducing a particle of evidence showing or tending to show that either of these officers has absented himself from the State, or otherwise disqualified himself. I think it is due to those officers and to the people of the State, that *some* evidence, at least, should be exhibited to this body as the foundation for such an extraordinary procedure.

Gov. Jackson has been branded as a traitor, and a refugee—a bridge burner, a felon, a conspirator against the Government of this State and the Government of the United States—yet not one particle of legal or competent testimony has been adduced to sustain the charges. It is said that the Lieutenant Governor is absent from the State, yet there is no legal evidence to support the assertion. It is true the venerable gentleman from St. Louis, Judge Gamble, has read certain letters purporting to have been written by these functionaries, yet there is no proof that they are genuine. And as regards the Secretary of State nothing has been alleged, not even that he is absent from the State. Unless these grave charges are supported by some evidence, I could not get my consent to vacate the Executive offices of the State, even if we had the power.

It has been asserted, time and again, upon this floor, that Governor Jackson has brought all our troubles upon us. This I here undertake to deny. Our troubles are solely attributable to the presence of United States troops amongst us, and their lawless outrages upon our people. They have arrested and imprisoned innocent men, insulted and abused their families, and taken their property. I refer to the taking of Camp Jackson as a great outrage, and not warranted by the occasion, and in this I am supported by the declaration of my friend from St. Louis, Judge Gamble. It has been said that ex-Col. Frank Blair has done more than any other man to preserve the peace of the State. This I deny, and assert, upon the contrary, that he has done more than any other man in the State to bring these troubles upon us.

To instance the outrages of the Government troops upon our citizens, I refer to my own case. For no cause whatever, and while I was attending to my own private affairs, I was dragged from home, taken to the arsenal and there imprisoned in the loft of a horse stable, with no bedding whatever, save a little straw, and when I appealed to the officer in charge for some bedding, and stated that I had just recovered from a spell of sickness, (which you all know I had while at the Convention in St. Louis in March,) he replied that he would give us the privilege of buying some to-morrow for ourselves. Another instance was the knocking down by a revolver of my neighbor, a veteran of the war of 1812, and stamping him in the breast, because he would not give up his

old rifle, with which he had done service in that war.

These outrages, and many such all over the State, have irritated our people and driven them to take up arms to expel these men from the State, not because they deny the right of the General Government to pass troops through the State, for this right they admit; but because they believe there is no safety for them so long as these things exist. I firmly believe, Mr. President, if the Federal troops were called into the Arsenal from the Capitol, and other portions of the State, all our troubles would cease and we would have peace once more. I firmly believe Governor Jackson would return to the seat of Government and enter upon the duties of his office, and we would have no further difficulty.

I cannot consent, after our Executive has been *forced*, at the point of the bayonet, to flee from the Capitol, to brand him as a villain, a traitor and a felon, and to declare his office vacant. If he has been guilty of any crime, indict and punish him, impeach and break him of his office, but give him the benefit of a fair trial where he can face his accusers.

I believe, Mr. President, with my friend from Clay, (Mr. Moss,) that every step we take in this direction will make the matter worse, will complicate our difficulties and increase our troubles. I would greatly prefer that matters might stand as we find them now. It seems that our Treasury, (and that is the important part,) is now subject to the control of a committee appointed by the military, and that no money, not even our pay can be drawn from the Treasury without the sanction of this committee. Let things stand as they are now in preference to that course proposed by the Committee, and time will cure all perhaps. I believe our country is utterly ruined, and every attempt we make to rid ourselves of the evils upon us, will only plunge us deeper into ruin. I would avoid, if possible, arraying two State Governments against each other. If we adopt the proposed amendments and ordinances, we will inaugurate a war in every county, yes, in every precinct in every county in the State; and this new Government, foisted upon the people by this Convention, will have to be sustained by Federal bayonets. I was not elected to oust from office our Senators and Representatives. So far as I am advised, they have discharged their duties efficiently and to the satisfaction of their constituents. I have heard no complaint against them. As to the constitutionality of the laws which it is proposed that we should repeal, I deny our right to pass upon them. The Courts are the sole judges of this, and it should be left to them to decide upon their constitutionality. It would be a great stretch of power in us to declare any laws unconstitutional, and immediately thereafter enact other laws in their stead. I came here for no such purpose; and if every member of this body were to vote for these amendments and ordinances, I would nevertheless take pleasure in recording my vote "solitary and alone" against them.

Upon the question of power, in this Convention, to do these high-handed acts, I have nothing more to say. Men far more able than I am—Mr. Wright against and Judge Gamble for the power—have discussed this question fully and ably, and it would be presumption in me to enter upon that subject. My mind was made up upon my own view of the case, and has not undergone any change. Having said this much in order that I might place myself in a proper light before my constituents, I yield the floor.

The Convention then adjourned to 9 A. M. Tuesday.

EIGHTH DAY.

TUESDAY MORNING, JULY 30th, 1861.

Met at 9 A. M.

The question being the adoption of the report of the Committee of Eight.

Mr. FOSTER. It was not my purpose to have said anything before this Convention at all, believing, as I do, that further discussion upon the report will not result in any particular good to this body. I am of the opinion, sir, that every delegate here has already marked out his course in regard to that report. I was of the opinion that if we desired to vindicate our course on the votes cast on the proposed measure, it would have a better effect for us to return to our constituents and vindicate the course we have pursued before them. I am not of the opinion that the erection of gas batteries in the shape of Convention orators upon the questions presented, will result in any particular good whatever. But, I feel unwilling, under the circumstances, to sit here quietly and fold my arms, and by my acts say a "little more sleep and a little more slumber," and listen to the arguments and suggestions of gentlemen who hail from an unhealthy quarter of the country. There has been a great deal said about the power of this body. So far as I am concerned, I shall have but little to say about it, from the fact that gentlemen abler than I, have argued the powers of this body more elaborately than I could; and having occupied, as I conceive, all the time necessary upon the subject, I shall not, therefore, attempt to give my views on the power of this body at any length. Suffice it to say, that I believe this body possesses all the power to do what it is proposed to do; and permit me to remark that, if I were to prescribe the action of this body, I would be decidedly in favor of doing more than the Committee of Eight propose to do. If I were to make a suggestion, I would suggest a clean sweep of every officer in Missouri—commencing at the Governor and running down to township constable. There is no doubt such a course would decapitate a great many good men; but if they were good men the people would return them. It must be apparent to every individual, that something ought to be done, but whether we can accomplish any good by our own acts is the question. There is another thing, it seems to me very evident, and that is, let our acts be what they may, we cannot make the condition of the country worse than it is now; and when I say the country, I mean the State of Missouri. I know it is contended by some that the course we propose to pursue will result in no good. If they believe so, they have a right to their belief. I am not going to impute their motives for so doing, but I ask the privilege, on the other side, of believing differently; and one of the reasons why I believe differently is, because I believe in taking this step we have a nucleus to form ourselves around, and thereby place men in a position that will reflect the wishes of the people of Missouri. I undertake to say to-day, that the prime and moving cause of the troubles in the State of Missouri has been brought about by men who were placed in high positions and who were unworthy of the confidence of the people who placed them there—men who undertook to assume for themselves and to act for the people in a manner not warranted by the Constitution of the State of Missouri.

Sir, it must be remembered that when this body was sought to be raised, its propagators made an argument insisting, that, if the body was raised, it would have power above the Constitution and above law. Declarations of this character are found in the arguments of Vest and others, who designed to concoct a plan to destroy this Government. Sir, I do not wish to be understood as setting at defiance all Constitution and law. But it must be apparent, I say, from the very nature and language of the debates upon the passage of the act calling this Convention, that the sole object had in view by the prime movers was to dissolve the relations of our State to the Federal Government. I say, sir, the history of the case shows this to be the truth; but when the people, on the 18th of February, came to speak at the ballot-box, those gentlemen found themselves very much mistaken, and that they were not about to accomplish the purposes which they originally intended to do. They found then that they would have to look to

some other source. Then what was the result? The Governor convened the Legislature. It would be idle in me to speak of the numerous acts that body passed in secret session, some of which are flagrant violations of the Constitution of the State of Missouri and in direct conflict with the Constitution of the United States.

While I will not say, or be so ungrateful as to say, all who composed that body were men who designed to destroy our Government, yet I do say that a considerable number, in both branches, designed to set on such a scheme as would ultimately destroy our relations with the Federal Government. But gentlemen, in urging the question, desire to get up side issues, and declare that if we do not sustain Jackson and his doctrines, we annihilate slavery in Missouri. You find men of that belief all through the State. There never was a more false doctrine propagated among the children of men. If we were disposed to stop and investigate a moment, we would find that this doctrine is false. Look at the last Congress of the United States, after some of our Southern States, so far as their act was concerned, dissolved their relations with the Federal Government. Look at James S. Green, the champion of disunion and secession in Missouri. He, being the Chairman of the Committee on Territories, penned a bill, and as I suppose, one that suited his own notion of things, and that suited proslavery men, organizing these Territories—and this same Black Republican Congress, which we hear intends to annihilate slavery wherever it exists, comes up to the support of the bill, and organized our Territories just as we severally asked to have them organized years ago. Hence, we find that the question is settled, so far as the Territories are concerned. Under the Supreme Court of the United States, the question has been decided. The Territories now opened have men with slave property. Is there any thing to show that war is to be made by Congress to annihilate slavery? Look, if you please, to the amendments proposed by Congress to the Constitution—that Congress shall never have power to interfere with slavery wherever it exists. That is the substance. That was adopted by this same Black Republican Congress of which we hear so much said. And yet our people are told that the object is to annihilate slavery wherever it exists. I ask you to look back and ask yourselves the question if this action does not prove the reverse of the assertion.

I do not wish to be understood as being an exponent of the Republican party. In a political point of view every man knows the reverse of it. Every man who knows me, knows that it was no fault of mine that Lincoln was elected. Every man knows that my vote and voice, every expression of mine, has been antagonistic to the Republican party on the question of slavery. But while it is true that that party has come into power, it is nevertheless true that it is my duty, as a citizen of the United States, born and reared under institutions that have offered me every protection that any American citizen could ask for or desire, to stand by the Government made by our forefathers for themselves and their posterity.

Mr. President, I was somewhat amused by the argument made by my friend from Lewis (Mr. Sayre) yesterday. And when I call him my friend, I believe in a personal point of view he is, and his every act from his youth down justifies me in my belief. He asks the gentlemen of this Convention, what they declared at the last session. A portion of his remarks struck me with force; for while I remember on that occasion, that, when I addressed the Convention, I said I desired that every act of mine should be of a character that I could extend my hand to the people of the North and greet them as common brothers, and that I could extend the other hand to the people of the South likewise; I said, if it would do any good, I could go down upon my knees and ask them to retract. There was nothing which was honorable for an American citizen to do, that I was not willing to do in order to restore fraternal feeling. But I remember that the gentleman from Lewis took occasion to denounce those remarks. He said these people of the North were not worthy of his consideration. These people were not to be consulted; we were only to present an ultimatum to them, and if they would not grant it to us, we would separate. The people of the North, it will be seen, have rebuked all such sentiments as those which the gentleman from Lewis there expressed, and now he assumes a different position, and is not inclined to present any more ultimatums, or to assert that the people of the North are not worthy of consideration. It only tends to show that, in these days, consistency is indeed a precious jewel. Now, the gentleman says that our action shall be of a

character to convince the North and give the people what they want. I congratulate that gentleman on the fact that he is now in favor of appealing to the better judgment of men to convince them that such a thing is practicable. I endorsed the doctrine of appealing to the people in every sense of the word. I desired above all other things that we convince the people of the North and South that the people of Missouri were a loyal people. I desire it now. But, sir, as we have sat here, we have heard it said that we cannot do any good by this course, and I agree to some extent with my friend from Clay, (Mr. Moss,) that it may not have a great deal of influence; yet if we appeal to the people for the rectitude of our position; if we appeal to the better judgment of the people North and South, and especially to the people of Missouri, and declare that we are still as loyal a people as ever, I can see no harm likely to result from that. But, then, gentlemen argue, on the other hand, that we are about to inaugurate a Governor, a Lieutenant Governor, and a Secretary of State, and thereby bring two parties in hostile array. Why, is any man so far behind the times and the history of the State of Missouri, as not to know that to-day there are two parties in hostile array? Let me tell you it has been the object—and I speak from observation in my own quarter of the country—it has been the object of the Union men and their desire to have peace. We have begged and pleaded for peace, and endeavored to convince these disloyal citizens that such ought to be the case. But, sir, the more we have advised for peace, the more quiet we have behaved ourselves, the less notice we have taken of their action, the more boisterous and turbulent they have become. It is my desire to convince this rebellious people of the error of their ways. I say to gentlemen here in all fairness and candor, that I desire to put down rebellion in Missouri—peaceably if we can, forcibly if we must. The time has almost come, and you and I, sir, are convinced of it, when forbearance has ceased to be a virtue. Since we find it to be the case, and, as the gentleman from Clay said the other day, that he believed that nothing we could do would effect any good, and that this question had got to be settled at the point of the bayonet, I should like to know whose bayonet he is going to favor. I know that gentleman has made as strong professions for the Union as any member in this body, and I hope he is just as loyal as ever to-day. I complimented that gentleman by conceding to him last session that I believed him to be a better Union man than myself—not that I would concede he was more loyal, because I could not concede that to any man on God's green earth, but that he was a man of more ability to convince the people of the correctness of his position, although I had no idea then that any man would be able to convince the people of Missouri that they ought to destroy the Government made for them by their forefathers.

Now I come to the point under consideration: As for the vote to depose the Governor, the Lieutenant Governor, and Secretary of State, I scarcely believe such a vote is necessary. I hold that these gentlemen have deposed themselves. It has been said by some gentlemen on this floor that they have been forced to abandon their positions by the bayonets of the Government troops. Let us inquire into the history of the case: If that be true, why did not the other State officers abandon the Capitol? The truth is, these gentlemen, as I understand it, abandoned the Capitol before there was ever a bayonet around it, unless it was in the hands of the wrong party. If it was true that the Government bayonets forced Jackson, and Reynolds, and the Secretary of State, to leave, ask yourselves the question why was it that Mr. Morrison, and other gentlemen who were occupying the positions which the people of Missouri assigned them, were not forced to abandon the Capitol by Government bayonets also. The truth is, as I conceive, that these gentlemen felt that they had done nothing which required them to flee from the Capitol or from the State; while on the other hand, the guilty consciences needed no accusers. Hence the Governor, Lieutenant Governor and the Secretary of State fled. They felt that they had done something wrong.

My friend from Lewis says our State has been invaded throughout its length and breadth. I will ask that gentleman if he means to say that the Government has no authority to send troops into the State of Missouri, or that the Government under the Constitution cannot send troops into any State of the Union? I apprehend he does not mean that. But does he mean that the President of the United States, under the Constitution and the laws of Congress enacted in accordance therewith, has no power to put down rebellion in Missouri, or in any State? He certainly means one of the two propositions. When he makes the declaration that the State of Missouri has been invaded,

he must mean that the Government has no power to send troops into the State of Missouri, or any other State; else he means the President, under the Constitution and the laws of Congress, has no power to put down rebellion. I cannot conceive that he can apply it in any other sense, and if he takes either as a legal proposition, I deny both. I undertake to assert that the Government of the United States has authority under the Constitution to march our troops into, or out, or through any State and put down disloyal subjects. I do not know, sir, how to undertake to make an argument or refute a broad declaration like this—viz. that a State has been "invaded."

Mr. Sayre. If the gentleman will excuse me, I will take pleasure in answering him. I endeavored to point out in what manner the State had been invaded. I think I did not argue as the gentleman has stated, or if I did, I was unfortunate in the use of terms. I recognize the right of the National Government to send troops into the State of Missouri for lawful purposes. I refer to the well known fact that troops claiming to be under the Government of the United States, and acting under authority, had been marched through the length and breadth of the State, and I denied their authority to do so, because it was for an illegal purpose. They came to protect our citizens, it was said, but their proclamations showed they came to administer justice between man and man. They were not elected for that purpose. It was for that reason that I said they came in violation of law. So far as they came for the suppression of the rebellion, I never heard that there was any rebellion in Missouri to put down; but I have heard that they came here to protect our fellow-citizens, to make arrests, to seize people in their houses, to make unlawful seizures, to butcher the people, as at Camp Jackson. These were things illegal; and the President of the United States has no right to order troops into the State for that purpose. That is what I said, assuming at the same time, sir, that they had the right to protect the post-offices, the post-roads and the railroad companies.

Mr. Foster. I am somewhat amused at the gentleman's explanation, for it throws him into a worse condition than before. If I understand his argument now, it is, that what has been going on in Missouri, with Jackson at the head, is all right, but that the purpose of the Government troops in Missouri is all wrong.

Mr. Sayre. If the gentleman will tell me when I said anything like that, I will be exceedingly obliged to him. I did not say anything about Jackson's course; it was no part of my argument.

Mr. Foster. If I endorsed Jackson's course, I would be prepared to defend him on this floor, and if I did not, I would not be afraid to denounce him.

Mr. Sayre. There are enough here to do that.

Mr. Foster, Yes, sir, and more than I desire who are ready to condemn every act my Government is engaged in carrying out, in order to put down rebellion in Missouri, and elsewhere. Some gentlemen cannot lisp a sentence or say anything about the treasonable conduct of our citizens, but yet are ready to declare that every act on the part of Government, whether by the Cabinet or any part thereof, to put down rebellion, is all wrong. I understand the argument of the gentleman from Lewis. He desires me to take his words, but, sir, I think the argument speaks more than the words. I understand that gentleman as condemning the acts of the Government from the beginning down, and that is what I am meeting. I care nothing about his broad declarations for the Union. A man who can get up and declare for the Union, and then advocate doctrines antagonistic to it; I say, God save me from all such Union men! But my friend says he is a Union man; but I propose to investigate his argument and see whether he justifies his declaration. I am satisfied he was elected as a Union man, and he declares he is a Union man. But yet in his argument he condems everything the Government has done, and seals his lips upon what our own citizens have done, and are now doing in the way of rebellion. I take it, therefore, as he is silent upon this point, that he gives assent to it. I will not say that he endorses Jackson; but, if he is a Union man as he declares, I would like to hear him say that he is not in favor of rebellion. If a man is a Union man and yet opposed to take any course towards sustaining the Union, I cannot understand of what material use a Union man of that sort is. I know some think that the Constitution is gone, and the compact broken, and the conduct of the North releases us from it, but I do not hold to any such doctrine. In the language of Henry Clay, in 1832: "I hold that whenever rebellion raises its head in my country, I am for testing the fact whether we

have a Government." I am one of those individuals who believe that we have a Government, and one worth preserving, and my all is the preservation of that Government, let it be much or little. I do not pretend to deny, but I assert, on the other hand, that there have been wrongs committed by the troops of the United States. There can be no doubt of this. But when I assert that, I assert as a matter of fact, that there have been wrongs committed by Jackson and his followers, and so far as the people of Missouri are concerned, they have been gross wrongs. The treasonable conduct of Jackson and his Legislature that convened in secret session for the avowed purpose of taking the State out of the Union against the known will of the people, is the most flagrant wrong that could have been committed. I repeat, Mr. President, that of all wrongs perpetrated upon the people of Missouri, that is the greatest wrong of all wrongs, and that is a wrong I am in favor of correcting without delay. Sir, in regard to the powers of our Government—to assert that we have a Government, and that it has no power to protect itself, is idle, ridiculous and absurd, beyond criticism. I hold, as I have said, that the President has power, and it is his duty to put down rebellion in Missouri, or any where else; and I repeat to-day that if Lincoln did not pursue such a course, he would be a perjured scoundrel, and a villain unworthy to be called the President of the United States, or of the American people. I believe that if Buchanan had pursued the course that Gen. Jackson did, this rebellious spirit, when it first made its appearance in South Carolina, would have been quelled. I believe that revolution now exists in our country, and that in our own State it has been brought about by Claiborne F. Jackson. When we reflect that those gentlemen who sealed their lips to everything that has been committed in the way of carrying forward this rebellion, condemned every step which has been taken to oppose it, I think we may well distrust their loyalty to the Union. Look, if you please, at the firing into the "Star of the West;" look at the bombardment of Fort Sumpter, and upon that gallant band of patriots, who stood *there* until the last to protect the American flag. And yet gentlemen come up and tell us this is all right, and that our Government must continue to fold its arms and say "a little more sleep and a little more slumber." Was it right that these people of the South should seize the Mint at New Orleans? Was it right that they should seize upon the arms of the Government of the United States without paying one cent for them? Was it right that our own people in the county of Clay—I do not say the citizens of Clay county, because I do not know who they were—was it right that the people of Missouri should rob the Arsenal at Liberty and take Government property, for which they never paid one cent? I say was this right, and should the Government continue to fold its arms and submit to insults and injuries that were inflicted upon it and make no effort towards preserving its honor? And yet it is urged upon this floor that the Government of the United States have waged the war. I deny it emphatically. Go back and commence at the first act of agression. Was it committed by the authority of the Government? No. Investigate the events and you will find that disloyal people have brought upon us this conflict? Look at our own situation, and what do you find? You find that disloyal people in this State have acted against the known will of the majority, and brought about the condition of things under which we are now suffering. What do gentlemen want to do? What do our *friends* the *secessionists* want us to do? although it is scarcely ever the case that we can keep up with their tactics, as they change oftener than the moon changes. Since the military bill passed they have cried peace. And here I remark that I always have taken pleasure in fighting what is known at the North as the underground railroad system, but here in our own midst we have an undergreund system going on for the purpose of destroying our relations to the Federal Government. Their tactics were first to get the military bill and then cry peace. But did they undertake to carry out peace? Not at all. Every act was to the contrary. Jackson issued his proclamation calling for 50,000 volunteers. Did that indicate peace or war? What was the conduct, Mr. President, if you please, in your own county, or in other counties of the State? Did not Jackson's sympathizers immediately become boisterous. In my own town they commenced firing anvils and beating drums, and crying out for volunteers; but they very soon became so remarkably private, that they left town between two days. They were going, they said, to 'whip Lincoln and his d——d Black Republicans. I suppose they made good their assertion as they had a fight at Boonville. It is generally considered, however, that instead of their whip-

ping the Black Republicans, they got whipped themselves. Perhaps they will meet them somewhere else, and perhaps they may whip them and perhaps they may not—that remains to be seen. But I will remark here that so far as my knowledge extends, the Union men have been peaceable and law-abiding citizens. We desired to keep from a conflict of arms if we could do so. But, sir, can we remain in that position? No, sir. We are bound to fight unless rebellion ceases in Missouri. We never can endorse Jackson and take up arms against the Government, but we will act the part of patriots and take up arms in defence of our country. So far as I am concerned, I have no hesitancy in saying where I stand — I stand just where I have ever stood, and that is for the Government of my country, made by our fathers for themselves and their posterity. And I tell the gentlemen to-day, unless they stop proceeding in their treasonable course against the Government, that they have not only got Lincoln and his "lop-eared Dutch" to encounter, but they have not less than ten thousand Missourians to encounter. I tell you in plain and unmistakable words, this is no joke, and cannot be regarded as a joke any longer. The time has come, and now is, when we are bound to resort to arms; and, as my friend from Clay said, if these troubles cannot be settled except at the point of the bayonet, the Union men are prepared to gird on their armour and march by thousands in defence of the flag of their country, and "*sink or swim, live or die, survive or perish," be hell my heaven, if I aid not the righteous cause; for disunion traitors and treason must and shall be put down in Missouri.* I will remark that in my quarter of the country we have been for peace all the time, but have had it not. We find a fanatic element lost to all reason, just like the fanatical element in the North; reason is dethroned, they will not listen to it, and a contemptible and insignificant minority of the people of the State of Missouri are seeking by every stratagem to destroy our relations with the Federal Government against the known will of the people. I am responsible individually for what I say, and particularly am I responsible to my constituents who honored me with a seat on this floor; and when I declare the sentiments that I do, I am satisfied I am reflecting the will of seven thousand loyal people in my district. I deplore as much as any man the condition we are now in, but this minority is responsible, for they are unwilling to submit to the will of the majority. I do not want gentlemen to get up the idea that I think the Union men better or braver than the secessionists, because I hold that American citizens, North or South, whenever they have the cause of justice on their side, will fight well.

Here the speaker's time expired, and the President's hammer fell.

Mr. Hudgins. I do not rise, Mr. President, for the purpose of attempting a reply to the gentleman who has just spoken, (Mr. Foster.) He has assumed what he says, without attempting to prove it, and he has gone outside of the issue to assert what he thinks should be done in regard to the various difficulties now existing in Missouri. I am sorry, Mr. President, that it is not the disposition, or that it has not been manifested by every member of this floor, to pour the oil of peace, as far as possible, on the State's troubled waters. I regret, exceedingly, to hear the word traitor and treason so frequently used by gentlemen in debate. Lawyers know, sir, that it is one thing to talk about treason, and to charge men with being traitors and villains, and deserving of execution, and that is quite another matter to prove that a man is a traitor or a villain. I had presumed, Mr. President, that this was not the place, or that we were not the tribunal to try men in the State of Missouri for treason. I had supposed that that right belonged to another tribunal, and that men who had committed treason were not to be brought before a deliberative body and branded as traitors. I look upon this great State of Missouri and I find a difference of opinion, and I find also that from the creation of man until the present day men have differed in opinion. At the same time, I find good upon both sides. I find true men in this State upon both sides of this question, and I am willing to let my arm fall, or my tongue be palsied in my mouth, before I will denounce as villains and traitors men who differ with me upon any subject.

I regret as much as any man the distracted condition of the State, and I regret the feeling that has been manifested, and the talk about taking off the heads of men—the talk about treason, traitors and villains, and the declaration that their heads must come off. Mr. President, this feeling is abroad in our land, and it is a feeling that we have reason to fear. It is one that causes a dark and heavy cloud to hang over the future. When gentlemen declare that one class of citizens in the State in

which we live deserve to be shot down like dogs—such declaration, when circulated broadcast through the land, only tends to inflame the passions that burn in the bosoms of men all through the State. Mr. President, I raise my feeble voice this morning against such declarations, from whatever part of the country they may come. Sir, I have been taught all along to believe, and I do not doubt it to-day, that under the Constitution of the United States that I love and reverence, and that under the Constitution of my own State, my neighbor and myself privately and in public assemblies, have the right to debate any and every question that may arise, and that the man who is in the wrong is not to be called a villain or lose his life in a free government—that the man who is in the minority, a "small and contemptible minority," as the gentleman from Adair (Mr. Foster) has said, is not to lose his life because he is in a minority. The time has been, Mr. President, in this Government when freedom of speech and of the press were regarded as sacred rights. The time has been when men were not villains and traitors because they happened to differ in opinion. Sir, if the dead that sleep at Bunker Hill and Yorktown could be restored to life and behold the conflicting passions that now agitate the country—freemen deprived of their rights, their houses desecrated, and their rights as citizens wantonly outraged—would they not ask, "For what purpose and to what end did we shed our blood in building up a constitution and government beyond any government on earth?" Sir, a man's opinions are not his crime. Men may differ in opinion, but there must be the overt act of crime before they can be found guilty. Is a political speaker or a member of a Convention, therefore, to say in regard to half a million of people that they are villains, and ought to be and must and shall be put down? I have more charity in my bosom than that towards any and every individual in the State; even to the lowest who may differ with me upon any subject, I must confess the darkness that is before us.

I am feeble to-day, and shall not address you but a short time; I only speak now, fearing that when my name is called I shall not be able to vote; I do not pretend to say what course Missouri should take; I am not standing before you trying the President of the United States for violation of the Constitution, or to say anything about it, because I do not think it is a matter cognizable before the Convention. This Convention has already done all it could do in relation to that subject. We remonstrated against the doctrine of coercion as one that would blight the last prospect or hope of liberty. In the language of Judge Logan of Illinois, in an address which he wrote at that time from Congress, he declared that "when coercion was undertaken, the last hope of American liberty would set forever behind a sea of blood." We advised and requested only that this dortrine of coercion shouldn ot be resorted to. We believed that the government of our fathers could not be perpetuated by the power of the sword. But these things are past. The President has chosen a subjugating and coercive policy. We are in the midst of it, and we have not the power to change it. The question is, can we save ourselves, our State, or our country.

What are we to do to quiet the people o the State? I do not embrace in my charity and benevolence only those who agree with me, but I embrace every citizen who may have done wrong, or who may have committed crime. I have a better regard for this class of individuals, who have been called traitors and villains, when I look over the land, and see every hearthstone disturbed. No man feels that he has a home, or that the Constitution of his country is a guarantee for him in the enjoyment of his rights. Weeping and bleeding hearts are found in every section of the State, in every neighborhood, and in almost every house; and no man who has the milk of human kindness in his bosom can look at all this and talk about murdering and slaughtering that class of individuals who disagree with him. I rejoice it is not in my heart to do so.

The questions, Mr. President, we have to consider, in my judgment, are two, viz: Has this Convention the power to sustain the report of the Committee; and if it has the power, has it the right, or is it proper that it should be exercised upon the present occasion? The denunciation of Gov. Jackson as a bridge-burner until it is worn out, settles no part of this question. He may be a bridge-burner, he may have committed treason, he may be indicted by the Grand Jury, tried by the United States Court, and he may be executed, but it affects nothing that this Convention has under consideration. This Convention has no power over these matters. They are disconnected from our power altogether. It does not, then, seem to be necessary, in my judgment, or proper, to speak of traitors, villains, treason, and

all that sort of thing, in every speech and in almost every sentence. I am not here to defend Governor Jackson. I know but little about him, and I have never seen him but twice in my life. I repeat I am not here to defend him. I would have supposed, until I heard the speeches of some of the gentlemen who have spoken, that, if Governor Jackson had committed treason he could be indicted, and after being indicted, tried; and, if found guilty, executed. A lawyer would presume that to be the ordinary mode—first proving him to be a villain and a traitor, and then executing him.

But we are told the State Convention has power to do all this. Sir, I call the attention of the members of this body to that provision of the Constitution which declares that the power to impeach the Executive belongs alone to the Legislature of the State of Missouri. If he is impeached by that body, he is condemned, and his office is made vacant. We are neither the lower House nor the Senate of Missouri, which the Constitution declares alone have power to impeach the Governor. This being the case, and we having sworn to support that Constitution, we should look well before attempting, on the part of ourselves, the violation of it. I question my right to do it. I impugn no man's motives here. I have enough to do with my own, and in my own district, without calling into question the motives of any member of this Convention. Our Constitution provides further, that when a vacancy occurs, the people themselves shall fill that vacancy on three months' notice. If it is vacated by impeachment, it is to be filled by three months' call on the people. These are the provisions of the Constitution which we have sworn to support. In regard to the power of this Convention to act independent of the business we were called upon to transact, namely, our relations to the Federal Government and different States in this Union, I must confess my mind is not free of doubt. When such distinguished men as those from St. Louis differ on this subject, (I allude to Messrs. Wright and Gamble,) one upon one side and the other upon the other, men may well doubt which side of the question is right. In investigating the subject as far as I have had an opportunity, I find but one single authority where the question has been decided. In Massachusetts, the Legislature propounded a similar question to the one now under consideration to the Supreme Court of that State—whether a Convention called to amend certain portions of the Constitution, could propose certain amendments to other portions and submit them to the people; and if so, whether the votes of the people would ratify them or not. That is precisely the question now before us. The Legislature wanted us to consider our relations between this State and the Federal Government, and between this State and other States, and to guard the sovereignty of the State as they thought best. And now the question is, can they, in considering this matter, at the same time disorganize the Legislature, and by submitting it to the people, can they vacate the Courts and make a new Constitution? Are we the agents of the people themselves, with limitations to do certain things, or have we the power to do as we choose? My constituents may tell me when I go home that they did not elect me for the purpose of supporting any such plan as is here proposed; that they were not giving me power to put down a Government, remodel the Courts, or abolish the Legislature; and that if they had known we were going to do this they would not have elected me at all. I tell you, Mr. President, we may decide that we have the authority; but the people, from whom we get the power, will examine the matter for themselves, independent of any technicalities at all, but in the broad and liberal light of common sense. They will tell us this was the question of power; they will decide whether we have the power or not. It has been decided by the judges of the Supreme Court of Massachusetts that the power of a Convention is received by the vote of the people. It is not the act that authorized the people to elect them, but it is the vote especially that gives the power; it is what they understand they are conferring at the time they vote; and here let me read the decision in the case referred to:

"If the Legislature should submit to the people the expediency of calling a convention of delegates, for the purpose of revising or altering the Constitution of the commonwealth in any specified part thereof, and the people should, by the terms of their vote, decide to call a Convention of delegates to consider the expediency of so altering the Constitution, the delegates would derive their whole authority and commission from such vote, and would have no right, under the same, to act upon and propose amendments in other parts of the Constitution not so specified.

"The court do not understand that it was the intention of the House of Representatives to request their opinion upon the natural right of the people, in cases of great emergency, or upon the obvious failure of their existing Constitution to accomplish the objects for which it was designed, to provide for the amendment or alteration of their fundamental laws; nor what would be the effect of any change and alteration of their Constitution, made under such circumstances and sanctioned by the assent of the people. Such a view of the subject would involve the general question of natural rights, and the inherent and fundamental principles upon which civil society is founded, rather than any question upon the nature, construction or operation of the existing Constitution of the commonwealth, and the laws made under it. We presume, therefore, that the opinion requested applies to the existing Constitution and laws of the commonwealth, and the rights and powers derived from and under them. Considering the questions in this light, we are of opinion, taking the second question first, that, under and pursuant to the existing Constitution, there is no authority given by any reasonable construction or necessary implication, by which any specific and particular amendment or amendments of the Constitution can be made, in any other manner than that prescribed in the ninth article of the amendments adopted in 1820. Considering that previous to 1820 no mode was provided by the Constitution for its own amendment, that no other power for that purpose, than in the mode alluded to, is anywhere given in the Constitution, by implication or otherwise, and that the mode thereby provided appears manifestly to have been carefully considered, and the power of altering the Constitution thereby conferred to have been cautiously restrained and guarded, we think a strong implication arises against the existence of any other power, under the Constitution, for the same purposes.

"Upon the first question, considering that the Constitution has vested no authority in the Legislature, in its ordinary action, to provide by law for submitting to the people the expediency of calling a convention of delegates, for the purpose of revising or altering the Constitution of the Commonwealth, it is difficult to give an opinion upon the question, what would be the power of such a convention, if called. If, however, the people should, by the terms of their vote, decide to call a convention of delegates to consider the expediency of altering the Constitution in some particular part thereof, we are of opinion that such delegates would derive their whole authority and commission from such vote; and, upon the general principles governing the delegation of power and authority, they would have no right, under such vote, to act upon and propose amendments in other parts of the Constitution not so specified.

LEMUEL SHAW,
SAMUEL PUTNAM,
S. S. WILDE,
Jan. 24, 1833. MARCUS MORTON."

I read this to sustain the opinion of the gentleman from St. Louis. With this, Mr. President, I pass from this part of the question. The opinion of this Court, whether right or wrong, sustains the position taken by Mr. Wright, in regard to the power of this Convention; and, sir, to concede that the Convention has the power to make these alterations—admitting for a moment that it has—the question presents itself, should it exercise this power? Is it a means to be resorted to for the purpose of bringing peace and quiet to the troubled minds of this State? And will not the electing and putting in power of a new set of officers complicate the difficulties now existing in this State? I propound this question, sir, in all sober earnestness for the consideration of this Convention. It may be said, as declared on yesterday, by one gentleman, that we will do it. I presume it will be done. But the question is, is it not our duty to present a remonstrance against it, if we do not believe it will have a tendency to bring light out of darkness and disorder out of confusion? When this officer to be elected takes the position assigned him by the Convention, will not our difficulties be materially increased? Shall we not have two Executives, contending one upon the one side and the other upon the other, and will not our difficulties be increased thereby? What will be the result? Here will be one Executive in the position assigned him by this Convention. He will have power to call out the militia of the State, and he may be called upon by the Executive of the United States for men. It may be presumed that if he is called upon for men he will have to furnish twenty, or thirty, or forty thousand. If he cannot raise them by volunteers, he will draft them. We have eighty thousand dollars reported for a single regiment for a few days in service. When thirty thousand are brought out under the Government, how soon will every man, not already lost in the wreck, have

his property swept from him! Then, suppose the people vote down this Governor—suppose they repudiate the action of this Convention—what will become of the immense sums of money that will be paid out for this new army by this new Executive? All the scrip that is issued and all the bonds issued—how are they to be liquidated if Jackson should be sustained, and this new Governor voted down? These are questions that the people are concerned in and diretly interested in. As the gentleman from Clay (Mr. Moss) said, it will then be a conflict of power—the sword upon both sides—and the superior power must triumph in the end. I dread such an issue. I have had no agency in bringing it about. The people of my district are not traitors—they are not in arms, and there has been peace thus far, with a single exception. They are quiet, and desire to remain so. They, I apprehend, do not desire a change of this kind. Sir, I believe, if the people in the State of Missouri would only lay down their arms—if the proposition that Jackson made to Lyon, and which was not accepted, to disband every man on the part of the State, to abandon the military bill and its execution, and to bring no arms into the State; if that proposition had only been accepted by the Federal Government, and the Federal troops had been withdrawn from the State, except those necessary to pass through the country, I have no doubt that peace would now reign through the country.

But we are told the Executive is trying to draw the State of Missouri out of the Union. It is a matter of surprise to me that two hundred thousand persons can be drawn out of the Union by one man's treason. Who has fears or alarms about a single man, when thousands are against him—nine to one, as we are told—who fears he can, by his treason, rush the State out of the Union, and ruin the people? It is folly, Mr. President, to presume any such thing. No man in his senses will presume that he has power to carry the State out of the Union.

The gentleman who last addressed the Convention said, if the people voted to join a Southern Confederacy, he would be willing to submit to it or leave. I see no necessity now for that vote. We want quiet and peace at home and all over the land. If men want to engage in a conflict, let them go where those conflicts are, and let them fight until they are satisfied; but let the women and children, and those who have committed no offense, remain in peace and quietness at home. This is what they desire, and this is what I think this Convention ought to commend and advise. The new Executive that may be appointed may do something, I know not what; but I fear it will not work for the best, and it is my duty, feeble as I am here to-day, to question the propriety of such a step at the present time Sir, from the language of the gentleman who last addressed us, I judge that he has no charity for any individuals except those who agree with him, or who are termed Union men. He looks upon the State of Missouri, and hunts out that class called Union men, and the hundreds and thousands in the State who are unfortunate enough to differ with him, but who have kindred in the Southern States, with whom they sympathize, who bought their lands thirty or forty years ago, and settled upon them—who have established for themselves homes wherein are centered all that is sacred to them, and who desire to remain there in the enjoyment of constitutional privileges, and in a country they have bought and redeemed—are they to be told that their homes, their graveyards and their sacred places are to be violated, and themselves driven off? Sir, we hear from every quarter of this State, that substantial men—men who have helped to redeem the soil of the State, and to build up its institutions, are leaving and going outside of the State of Missouri to seek a country where they can have peace, and that the $75,000,000 of slave property, perhaps, will be out of the State of Missouri, or destroyed in a few months. If every man who disagrees with Lincoln, and who does not wear the name of Union, is to be treated in the manner indicated by the gentleman, the scenes that will ensue will be deplorable indeed. If the gentleman means what he says when he declares that forbearance has ceased to be a virtue, and that the Union men want a Government, and will slaughter and shoot down those men who differ with them, dark, indeed, is the day before us. I speak for those who agree with me when I say that they have no intention of driving any man from his home. They have no intention of depriving him of any constitutional right as a freeman. They want the matter settled, and this should be the desire of every member of this Convention.

Mr. President, this is no ordinary question. If I was well, the contemplation of such a subject would make me feeble. It is more than I have the physical energy to bear upon

me to contemplate such action as is now being inaugurated in our State. I have taken up no arms against the General Government, or for or against the State, and yet I am called a traitor, and warned that there are Federal bayonets around this Capitol, and it is stated in the journals, as a matter of surprise, that traitors like myself should be allowed in this Convention. Before heaven and earth, I claim the right to say what I think in this Convention. I have violated no law in this Constitution, the laws of Congress or of this State. I have neither committed treason nor aided those who have done it, in any manner, shape or form. I fear no Government troops, here nor anywhere else; but I have the right to fear political enemies, who are wreaking their vengeance all through the State. There are men who are not able to meet political opponents in debate, and they are ready to seek any power to wreak their vengeance. I do not say they are here in this Convention, but there are men in this State. I will not undertake to predict what will be the fate of the ninety-nine members who are here. We do not know what position we may occupy. However much love of the Constitution and of their country they may now have in their hearts, they may be pointed out as guilty, and fall without trial or hearing. It is the fate of revolution, and like men, they must stand up and contend for the right, and leave events to the future.

The people may believe that it is right for this State to dissolve the Union, and that their houses ought not to be searched; shall they, therefore, be sacrificed? The Union men need their labors and assistance as freemen, and it ought not to be said that their heads shall be cut off because they disagree with men with more capacity, perhaps, and more ability than themselves. I do not, sir, endorse this view of the subject at all. I know not how this matter could be reached; but I am satisfied of one thing, that the Union men of the State, with 80,000 majority, as it is said, have 50,000 Government troops to sustain them Now, if they are American citizens, they ought not to desire this protection, and the object ought not to be civil war.

They ought not to incite men to the work of vengeance and death. As freemen, Mr. President, as American citizens, we can deplore the condition of our country. We are told that the difficulties will soon be settled. This may or may not be so. It is not a question for the Convention to decide. The question here is whether we shall remove men from office, put others in their places, repeal certain laws, and inaugurate a new system of government. For one, Mr. President, I enter my solemn protest against it. For one, I say to-day, that I question the authority to do it, and I doubt its propriety. I will not predict the consequences that will result from such a measure. I hope that if the step is taken, the administration will be one of peace and not of war, and calculated to restore the people to calmness and quietness. I shall submit, as I have always, to the majority. I have acted all my life with minorities, and I have been taught to submit to the action of majorities. I repeat that I desire, above all things, the restoration of peace and quietness. This frail body of mine is worth but little, but that little I would willingly give as a sacrifice if I could thereby transmit to my children and family a reunited and happy country. I allow no man to love his country better than I do. I have violated as few of its laws, perhaps, as any man who has lived to be fifty years of age. I have reverenced the laws of the land and tried to obey them—not only the laws of the Constitution, but the laws of the great universe. I then, sir, leave this subject with all its importance and its immense weight that is to be developed in the future to the action of this Convention, and trust that they may so decide that every citizen in Missouri may be allowed to state his opinions at all times, and to realize that he is again a free man.

Mr. Stewart. I undertake to say that the Executive department of this State is a mere machine of the people themselves, and that when it has failed to carry out the design of the people, it is in their power to clean it out and put somebody else in. So far as the Government of our State is concerned, it is switched off the track, and I think we had better put an engineer on who can clear the bridge-burners off the track. I undertake to say that this Convention never would have been called had there not been a conspiracy on the part of a few men to build a Government out of the best Government on earth—a Government that is recognized upon every sea and upon every island, and wherever the stars and stripes go. Let no man suppose I am vindictive, or that I would cut his throat, even though he may disagree with me. I subscribe to no such doctrine; but if I understand the matter, it was intended that these

people of whom the gentleman has been speaking, should get the guns and cut my throat. I recollect coming here to Jefferson City when they had a force of men here under military law, and if I remember rightly there was a general disposition to cut my throat, although I manifested no desire to interfere with anybody's business. I think the State of Missouri is not altogether built upon cotton. But my private opinion, publicly expressed, is, that cotton is not King. But I do think that it was the desire of this abdicated Government to take Missouri out of the Union the same as Virginia was. I say Virginia was forced into this thing by South Carolina bayonets. I say to-day that the Southern Confederacy, instead of being built up of cotton, is built up of small potatoes, and a few in a hill. Men call me an Abolitionist because I support the Government of the United States. I think they might just as well say that every man who supports this Southern Confederacy is a Christian and an honest man. I think Yancey was born in New York, near where I was born myself, but that he had to leave there because he got so smart as to violate the law. Since that time he has been bobbing around like Cain did when God Almighty put his mark on him. When I left the Executive department of this State, I recommended to the people to stand by the Constitution of the United States, and remain in the Union. Mr. Jackson happened to maintain a different opinion, and put himself to the trouble to call an extra session after he found out that the people were a little bigger than the Legislature. He was not satisfied with that dark lantern arrangement, and so he got all the guns in his own hands, and undertook to put us out of rhe Union, just as Virginia was put out; for I undertake to say that a majority of the people in Virginia to-day are as loyal as the people of Massachusetts. But Governor Picket, or Pickens, of South Carolina, wanted Virginia as a stone wall between him and the North; so that State was compelled to secede. I recollect when I came to this capital last spring, during that military organization, there was a kind of feeling manifested which, I believe, was not in consonance with the framers of the Constitution. The framers of the Constitution had a small idea in their heads that although a man was born in Scotland, or anywhere else, he was, as old Bob Burns said, "a man for a' that;" but the men belonging to this political organization of which I speak did'nt seem to have any such idea.

I still think we have got a Government, and I don't care whether Blair is in the service of the United States or Gen. Jackson. All this small talk about invading and destroying our rights is only a part of this great conspiracy. If the men who talk thus could get the guns into their own hands, they would drive out every man who disagreed with them as speedily as possible. I undertake to say that the Government of the United States occupies the same relation towards the States that the sun does towards the solar system; that is, the centre of gravitation. If any part of the system should happen to fly off, comet-like, I expect it would be drawn back again, some time. I believe that it is the duty of the Union men and friends of the Government, as far as they can, to give these conspirators just the same kind of Government that they would have given us under similar circumstances. I regret the state of affairs that now exist as much as anybody. God Almighty knows I would like, if I could, to be a sacrifice; and I would rather my heart would be shot into ten thousand fragments than offer one obstacle in the way of peace; yet, at the same time, I do not believe that those men who have usurped the Government have any right to run us out of the Union by a military bill.

I do not believe there is a particle of common sense in calling me a Submissionist or an Abolitionist, because Lincoln happens to be President. I think we can regulate that matter at the ballot box in the course of four years. I say the United States Government has a perfect right to send Germans and Irishmen, or anybody else who takes the oath of allegiance, and is a loyal citizen, to protect its interests. If we should happen to expatriate or decapitate men who have done wrong, I think the common sense of the people will bear us out in it. I think Buchanan, at the commencement of these troubles, was a little too weak in the knees. I think crinoline would have suited him better than a coat when he sat there and let Floyd steal every gun and every ship. I like crinoline when it belongs to the fair sex, but I don't like it on any such old cuss as Buchanan, because I don't believe he has any right to wear it. Now, the Government has taken this matter into its own hands, and is protecting itself by vigorous measures. I would be in favor, in the first place, of killing off all bridge-burners, for I look upon a bridge-burner as the worst murderer on earth. If a man wants to fight, let him meet his enemy

square on the field; but to burn a bridge, and put in jeopardy the lives of innocent persons, is a system of warfare unworthy the most barbarous nations on the face of the earth. When Christopher Columbus went all over Europe with an idea in his head—

Mr. GANTT. I call the gentleman to order.

Mr. STEWART. That is just what I have been waiting for. I had an idea that some gentleman would call me to order, and I had about made up my mind that you was the proper person to do it.

Mr. GANTT. I insist upon my point of order. The gentleman is entirely out of order.

Mr. STEWART. I believe the gentleman from St. Louis capable of doing the thing. I was going on to say, Mr. President, that the question is, whether we have got a Government, and I believe we have, and that this Southern Confederacy is like an animal that once undertook to whip an engine. An old farmer was riding on the engine at the time. The animal squared himself on the railroad track, but the engine thundered along, and ran right over him. "Well," said the old farmer, "I admire your spunk, but I don't admire your judgment." That is what I think of this Government. I submit now to the gentleman from St. Louis.

Mr. HOWELL. I propose to submit a few remarks in deference to the opinion and will of my constituents, and not with any expectation of changing any vote upon this floor, for the discussion has been full, and I suppose that the minds of all the members are fully matured. I shall be very brief, sir. When we met at St. Louis last winter, it was resolved by this Convention, with entire unanimity, that an effort on the part of the General Government to coerce any refractory States into submission to the authority of the General Government by military means, would be destructive of the Union and of the liberties of the country. We have met again within a few months after these resolves were passed with singular unanimity by this Convention, and what do we find is the condition of our State and of our country? We find in opposition to the action and policy we then advocated, that the General Government, in the language of the gentleman from Buchanan, has undertaken, by fire and sword, to ascertain if we have a Government, and to coerce the seceded States back contrary to their wishes. We not only find that to be the case, but we find our own dear and adopted State of Missouri in a condition of subjugation. We find the great rivers bounding and penetrating the State taken possession of by the military authority of the General Government, and our commercial capital in the hands of the General Government—a capital whose influence radiates to every portion of the State, and which contains all the money and valuable means of the State. We find our State Capitol, in which we are sitting to-day, bayoneted around, guarded by United States swords and bayonets. The portals of the Capitol are to-day guarded by Federal bayonets. We find all our railroads, that have been built by the funds of the State, of corporations and of private individuals, in the hands of this same Government; and we find forces of United States soldiers imported through and through the State, centre and all over the State—amounting to some 80,000, besides portions of our community, armed by United States authority and United States guns against another and a minority portion of the same State. We find a United States Colonel, with his staff, as I understand, quartered in the Governor's mansion of our own State. We find our own Executive and a portion of the State officers, who were elected by the suffrages of the people, dispersed and, perhaps, refugees from our own State, and in a foreign State, and we are assembled in this emergency to relieve the State from its embarrassing and mortifying predicament.

But what, Mr. President, is the remedy that is proposed? It is that the State Government and the Legislature called by the people's choice, shall by us be deposed, and another government instituted by us in its place. That proposition, Mr. President, presents itself in a two-fold aspect. There is, at the threshold, a legal question involved here—the power of this Convention to adopt this scheme of policy that has been proposed by the Committee of Eight, presents itself for consideration. In the first place, how do the people, the sovereign people, to whom that Government that is to be deposed is responsible, and to whom we are responsible, understand this question? In my judgment, the legal question involved is a small question, or how the courts of the country will determine the matter. There is a power behind that, sir, that will pass upon this question, and it is to that fearful tribunal, in these exciting and alarming times, that this question will be referred and by them considered, and it is in that point of view that I desire to present a few remarks upon the present occasion.

Mr. President, I am in an unfortunate predicament here. I neither supported the Federal Government nor the State Government that has absconded. I voted another ticket, and I belong, sir, to a different class of politicians and a different class of men. I have but one object I desire to further here and to see accomplished, and that is, the sovereignty and welfare of the State vindicated, and peace restored to our distracted country. There are now but two parties that can intervene in this matter and settle our difficulties—the one party is the Government of the United States, at the head of which is Lincoln, who received no support of consequence in this State, and the other is that of Governor Jackson, who, it is said, has temporarily fled from the State and is attempting to make his way back to it. I say that these intermediate men, that have occupied the position that I have occupied and do occupy, can have but little influence in the settlement of this matter. It must be settled by one or the other party I have referred to. Is the temper of our people in a condition, long used as they are to freedom and independence, to have thrust upon them a Lieutenant of the United States—a proconsul? Are they in a frame of mind to bear that kind of thing? If they are, sir, I have mistaken the genius, temper, and spirit of our people. Suppose we put in a Governor, as I apprehend, will be done; who will he be, and what kind of a position will he occupy? He will be a deputy of the government of the United States, and he will have no authority. He must be that, or he will not be permitted to enter the Governor's mansion. He must be subservient to the purposes of the General Government, or his authority will be withheld from him, as it has been from the present Governor of the State. That is the condition, sir, of this thing. Are the people in a temper to bear this? They must either have a Lincoln Governor—take a consul from the Government of the United States, who will uphold its instructions, and pursue its policy, or we must have a Governor who sympathizes with and will carry out the policy of the defunct Governor of the State. My impression is, that the temper of the people at the present time is not prepared for the first. I believe, sir, the true position for Missouri is to maintain a position of "masterly inactivity." In my opinion, this is not the time now to take a part in this difficulty. If I understand the temper of the people, they would much prefer that the State should be kept in charge by the General Government, and should be administered and its funds disbursed by that Government, and that it should even be held as a province, than that a Government should be foisted upon them apparently by their consent, when it really is not. This state of affairs, perhaps, will not exist always; but, sir, it is upon us now. I hope for the better, and when the better time comes, I shall be prepared to act; but to act now, in my opinion, would only complicate our difficulties; it would create a civil war in our midst, and array county against county, township against township, neighborhood against neighborhood, and family against family. Just such a war, sir, as would destroy and devastate, materially and politically, and wipe out and destroy the property and demoralize the sense of the people. These, in a nut-shell, Mr. President, are my views about this matter. I desire to present them in a practical shape for the consideration of this body and country. I want to go into no learned argument upon legal questions. I have prepared myself for none, and the country asks none, and it wants none. The people will discuss and settle these matters in a plain, practical, common sense way, without the advice of courts or lawyers. But how is it to be done? Does any man believe it can be done now by the behests of this Convention, and by the exercise of the elective franchise? He who believes that, reads the temper, spirit and determination of the people very differently from what I do. I represent one of the oldest, largest, most populous, moral, law-abiding and wealthy districts in this State, and I know the temper of my people. They are always loyal, but they are not prepared, apparently by their own wil, lto bow the neck, all at once, and acknowledge themselves, by their own act, subjugated. It is better, sir, in my opinion, "to bear the ills we have than to fly to others we know not of." I have stated my views thus succinctly, and that is all that I desire. I shall leave the question to the Convention, and the Convention to the awful responsibility that I believe they will incur before the country.

Mr. Leeper. I have no disposition to pro tract this debate, and if the Convention prefer to vote now, I will yield the floor at once. I do not know that I would have said anything had it not been for some remarks made by my colleague (Mr. Pipkin) on yesterday evening. I came here as a member who never held a position in any legislative body, not with a view to talk, but to act upon this question in which the people of Missouri are now so deeply

interested; and I can say to this Convention, that, from the day of its first meeting, there has never been a vote cast but what I have been here, and upon all questions my vote is recorded on one side or the other. My colleague made some remarks yesterday in regard to the condition of my portion of the State, and some things rather new were dragged into the discussion by him, upon which I wish to make a few remarks.

It has been asserted by some gentlemen that we have no right to depose a government. I venture the assertion that, notwithstanding the law which called this Convention together gives us the same right to act upon all matters concerning the State of Missouri that it does to act upon all matters concerning the State of Missouri and the General Government, I will venture the assertion that those men who deny our right to act in the premises would never question the power of the Convention to pass a secession ordinance. The power to take one course by which we might break our relations with the Federal Government would not be questioned; but when it comes to deposing a Governor that has abdicated his authority and left the State, and, from the best information we have, is trying to collect troops to drive us from our homes, it is then asserted that we have no power to act in the premises.

I came here believing that my position was right, and, believing that a majority of this Convention would do right, I came here fully appreciating the nature of the responsibility that would rest upon me; and, to-day, although it makes no difference what the result may be, I am ready to meet any responsibility.

Now, Mr. President, it was said by my colleague that he could not vote to depose Jackson, because he got a majority of votes in our Senatorial district. That is true. But what was the issue? Jackson was supported as a Union man There are men in our district who denounced Breckinridge as a Disunionist, but who supported Jackson as a Union man. Where does he stand now? I desire to remind my colleague that he canvassed our district from one end to the other, and declared to the people that he was a Union man. Now, my friend is not going to put Jackson out because he ran as a Union man and deceived the people. My friend condemns Jackson for destroying public property. But I condemn him on a principle higher than the burning of bridges. Sir, I am ready to declare by my vote that, let come what will come, I would willingly give all I own on the top of God's green earth toward the support of my government. Let me be stripped of all I have, and I can take my family and begin anew. But let Jackson gain the ascendancy in this State, let the principles of a Government under which we have lived and prospered heretofore be subverted, and I am ruined utterly and hopelessly. Therefore it is that I condemn Jackson on the ground that he is trying to subvert the best government on the face of the earth. It is said that when we met before we voted against coercion. I offered a resolution then to this effect, that we were opposed to the General Government making a war on the Southern States for the purpose of subjugation, and that we were equally opposed to the Southern States making a war upon this Government. I do not want to see any State subjugated; but if it is necessary for the support of the authority of this Government, I say let the laws be executed, and if this will bring them back into the Union it is no subjugation. It is not subjugation to make them obey the laws. If I was going through the country, despoiling people of their property, and should be interrupted in my career by law, I presume I should cry out, "Let me alone! All I want is peace! Don't execute the law, as you will subjugate me!" I endorse no such doctrine as that. But while men are crying "Peace! We wish to live in peace!" what do we see? We see our Governor soliciting other States to make war on us. He is asking men from other States to come up and help subjugate Missouri. Now, I am opposed to such coercion as that, and it seems strange to hear my friend advocate peace at such a time as this and under such circumstances, and even endorsing Jackson, who is invading our State with foreign troops. We are told again by my colleague, that when we submit our proceedings to the people, we shall inaugurate a war in every district and county in this State—that in every township the blood of citizens will be spilled. We are told again by the gentleman from St. Louis (Mr. Wright) that the people will condemn us from the very fact that we fail to submit our action to them. Now, we appear to be between a raking fire, so far as these two gentlemen are concerned. We are told by my colleague that submitting our action to the people will involve us in a civil war. I do not believe there is a single Union man in Missouri, who will go to the polls on that election and

there hinder him or any man from voting. The members of this Convention do not propose to do anything that will promote civil strife; then, I ask, where is the civil strife to come from? Is it not the purpose of our opponents to overawe us when we come to vote? My friend has told this Convention he had been arrested as a prisoner, and I believe he was treated tolerably bad while he was in prison. That I do not pretend to dispute. But during all these troubles I have been at home, attending to my own business, and no one has ever attempted to arrest me. In regard to the old soldier of 1812, to whom the gentleman alluded, I have heard this version of the affair. I have understood that he is deaf, and that he was hailed by the soldiers; but not hearing them he failed to respond, and he was thereupon seized and treated rather roughly.

Mr. PIPKIN. That is so much the worse.

Mr. LEEPER. Now, I say this, and I call upon my colleague to correct me if I am in error, that in the whole scope of that country there is not a case where any Union man, who is a citizen of that country, has transgressed or violated the rights of any citizen. I make that broad assertion; and I say more, that while the Secessionists have neglected their farms—while weeds and desolation mark their footsteps—while they have been attending to somebody's business besides their own—you cannot find a Union man who has not some prospect for support during the coming winter, if he is let alone. I defy the gentleman to cite any instance where a single depredation has been committed by any Union man, unless it may be by the soldiers at Ironton—that I know nothing about. But how has it been on the other side? Yesterday I received intelligence from my county that some of our best citizens have been molested, and their rights and privileges violated, and even that my own family had been insulted and my property destroyed; yet I challenge any instance where a single depredation has been committed by Union men. The Union men have advocated peace, and I have told my friends that if they would remain quietly at home, I would guarantee the Government would not molest them. My colleague knows that when we canvassed together, the counties through which we passed were loyal, almost without exception. But what is the case now? Why, the plan that was inaugurated under this military bill, and carried out by Judge McBride, has resulted in bringing about an entire different state of affairs in those counties. Union men have had their property taken from them, and driven away; and as I came here, I heard that citizens of some of the lower counties were in Ironton, in my colleague's own town, and that they had fled from their own homes because the fiat had gone forth that they must fight or leave the country. Since I left home whole neighborhoods have been driven off. I say that while this is being the case, there is nothing that would make the hearts of Union men, in my section of country, leap with greater joy than to hear the news that soldiers had come there to protect them. This, then, is the condition of things in my section of country, and I know a little more about the outrages that have been committed in my county than does my colleague, who lives at Ironton. Sir, I repeat what I have said: let them take my property, but let them spare my life and my family, and I can live anywhere, provided I have the laws and institutions I have always lived under to protect me. But if I am to be at the mercy of a mobocracy—if a few men can roam over the country, and prey upon my substance, and hold my life in jeopardy—then let me live no longer; let me cease to see that reign of terror, and let my spirit depart, that I may never behold my country's ruin. I say that, notwithstanding the circumstances that surround us, I have made up my mind to do my duty, and my whole duty; and I do not intend to screen myself in the least, and I am ready to depose the Governor, or any other man, who is acting as a traitor to his country, let the consequences be what they will, so help me God!

Now, Mr. President, let me give you another case in regard to the condition of things in my section. I was in the county of Ripley, attending the Circuit Court, and I saw that Court broken up by mob violence. I saw the Judge turned out of doors, and I heard it said, "let us hang him!" And all this because he was bold enough to uphold the supremacy of law. This has been the case with other Courts in the State. They cannot be held and the rights of citizens are not protected. And yet we are told that the laws of this State, and of the United States, are not violated on the part of those who sympathize with Mr. Jackson.

Now, Mr. President, I would remark that I have been very much amused at my friend from St. Louis (Mr. Wright) and some others. I understand that he condemns the

United States Government, in the most severe terms, for attempting to enforce the laws. I am not very much surprised, for I remember that when he was elected, he ran on two tickets. Last session he served the Union wing, who helped to elect him, and now, of course, he considers it his duty to serve the other party.

Mr. PIPKIN. I desire the indulgence of the Convention to make a brief reply. I know no single instance, Mr. President, where a Union man has interfered with the rights of any individual, except, it may be, at the time I was arrested, a German assisted in pointing out certain citizens there to the Federal troops, among whom were the Clerk of the Court, and who was twice shot at during an effort made to capture him. But the remarks of the gentleman only go to strengthen the position I have taken in this matter, and that is, that the conduct of the Federal troops in the State of Missouri has been such as to drive the citizens of the State to such a state of desperation that they have resorted to many means in the effort to save themselves which they would not have resorted to if these troops had been kept out. Now, I am firmly of the conviction that our immediate neighborhood, and our whole district, would have been at peace to-day, if it had not been for the sending of Federal troops among them on the 22d day of May, last. That was a great error. But a short time after the publication of the agreement entered into between Generals Price and Harney, the troubled minds of the people seemed to be calmed, and every man, secessionist or otherwise, settled upon the conviction that peace and quiet would be restored to Missouri. But that did not suit. There were those who desired to inaugurate a war upon the people of the State, and they have brought upon us the troubles we now have. In reference to the outrages perpetrated upon the people in my own neighborhood, I refer to my own case, which is infinitely better than those immediately before me, including that of the aged veteran of the war of 1812, who has not yet recovered from his wounds. In one case a gentleman, an old citizen, who was supposed to be a secessionist, but who was in fact a good Union man, had his property destroyed, his house entered, and the secret drawers broken open, and everything valuable taken from him, while his family was obliged to flee. What was the result? That aged man had a son, who had always supported the Government, and who was a Union man at the time; but in less than three days after these occurrences, he joined the army of the Confederate States. Two young men incarcerated in the stable with me, on the 22nd of May last, who had always upheld the Government, immediately on their release got on their horses and joined the army of the Confederate forces; and there are hundreds of citizens of Iron county who to-day would have been at home cultivating their farms and attending to their business but for the insult, injury and degradation that has been heaped upon them. These unfortunate results have not been brought about by the people of Missouri, but by the Federal forces stationed in our midst.

Mr. MEYER. You have spoken of a German that pointed out certain individuals, and the firing upon the Clerk of the Court. About the firing I know nothing; but I would like to ask the gentleman how many letters this very German received to quit the country, and whether he does not know, of his own knowledge, that he was warned to quit the country?

Mr. PIPKIN. I will answer. It was rumored that certain Union men, or, in other words, rank Black Republicans, were invited to leave by the citizens of Iron county; and the editor of a paper, published there, assuming almost every position on all occasions, stated in his paper that thirty citizens had signed a paper requesting James Lindsay, the editor of the *Furnace*, to leave. But the *Furnace* came out and denied the whole thing, and declared that no such thing had been attempted. Now, I have taken pains to inquire into the authenticity of these rumors, and I have never found the first man who signed such a paper, or wrote such a letter; but I have been informed, and I doubt not that it is true, that a certain ignorant and half-witted fellow, who was as brave as Julius Cæsar until the soldiers came, then left and has not been heard of since. I have heard he went about and advised people to leave, but he ought not to have been regarded by anybody. This is as far as my information goes.

My friend from St. Louis asks me of what I have been accused. Well, I will answer. When Capt. Cole had me in custody in the Court House, I asked him why he refused to administer the oath to me. He answered that he had been told that I was one of the leading secessionists of Iron county, or something to that effect. I told him that during all the secession excitement there, and while flags had

been raised in sight of my own door, I had never been present at any of their gatherings, or made secession speeches; and that I would leave the proof to my neighbors, and that I was in favor of the Union. "Well," he replied, "you are called a secessionist, and you are one of the leading men, and though you may not make speeches, you can sit back and pull the wires, and do more injury than if you had made speeches." I suppose I was arrested because I was called a secessionist, and spotted out by some person who had a spite against me—some political spite, because I have no personal enemies. But so soon as I made the facts known to Gen. Lyon by a letter, a copy of which I have now in my pocket, he released me upon condition that I would observe and carry out in good faith the Harney-Price agreement just then entered into.

When I was a candidate, I was a conditional Union man. My colleague knows that. And, sir, I have always been, up to the commencement of this war, inaugurated against the Southern States, in favor of the Union, and I am in favor of it now. But I do believe it is gone now, and that it can never be reunited. In the language of my friend, Mr. Woodson, I believe it is the duty of the United States to recognize the Southern States, and then we shall have peace. That is the only remedy that will save us from ruin. I am a Constitutional Union man, but I am not a Union man under a Constitution that would trample my rights into the dust.

Mr. MEYER. The gentleman from Iron, as well as Mr. LEEPER, in speaking of this old gentleman who was arrested there ——

Mr. PRESIDENT. I will remark that I have indulged this debate upon local matters too long already, and propose to have gentlemen, hereafter, confine themselves more specifically to the question. I trust the gentlemen who have last spoken have been indulged to their wishes, in the discussion of matters irrelevant to the question before the Convention.

Mr. MEYER. I merely wish to remark that this deaf old gentleman, when arrested, had a rifle in his hand.

The Convention, at this point, on motion of Mr. FOSTER, adjourned to 2 P. M.

AFTERNOON SESSION.

Met at 2 P. M.

Mr. WELCH. Mr. President, it is not my purpose to detain the members of this Convention with any extended remarks upon the various propositions which have been submitted in the report of the Committee of eight. The rule, limiting speeches to one hour, would necessarily prevent me were I otherwise disposed. It would have afforded me pleasure to present my views at length upon the present lamentable condition of public affairs, and but for the hour rule, I should have availed myself of a suitable occasion to submit those views to the candid consideration of gentlemen upon this floor. As it is, I will confine myself to the question now before the Convention. I am well aware that the members have already exhausted a reasonable amount of patience, and are anxious to proceed at once to the more important work of acting. But, sir, I have felt it to be my duty, in justice to those whom I have the honor in part to represent, as well as in justice to myself, to direct the attention of the Convention for a brief period to the views and opinions which I entertain in regard to the first proposition now submitted to the Convention for its determination.

That proposition is: "That the offices of Governor, Lieutenant Governor, Secretary of State, and members of the General Assembly, be and the same are hereby vacated." This proposition does not bear the latitudinous construction which has been placed upon it by many gentlemen who have preceded me. Almost every gentleman who has thus far engaged in the discussion of this question has assumed that it involves both *the power* and *the expediency* of deposing the Governor and certain other officers of this State, and of filling the vacancies thus created.

If my understanding of this first proposition now before the Convention be correct, the question of the expediency of filling these vacant offices is not before us for discussion. It occurs to me that that question will more properly arise under a different portion of the report, in which it is provided that the Convention shall fill these offices with provisional appointees until the election in November next. I apprehend that when we come to discuss the filling these vacancies, then the whole policy and propriety of that feature of the report will be before the Convention for its action. The question now before us involves only the power and expediency of vacating, and not the power and expediency of filling the offices designated. As, however, those who have preceeded me have not thus limited themselves to the isolated proposition before us, neither shall I be careful to confine my re-

marks to the bare questions involved in the first proposition.

I never expected, Mr. President, to live to see the day when I should have been surrounded by such circumstances in my native State and the country at large, as those we now witness on every hand. I had fondly dreamed that those free institutions our forefathers purchased for us with their blood and treasure were destined to far outlive my day and generation, but unfortunately we have fallen upon evil times, and we are now witnessing the destruction of the finest government which the wisdom of man has ever devised. Cast your eyes abroad upon the land, and you see naught but the red right hand of revolution drawn aloft, and you hear no sound but the crash of resounding arms. The sword seems to have been drawn and the scabbard thrown away. Sir, my heart bleeds and sickens at the sight. The great question with us is, whether in this dreadful wreck of matter we can save our own beloved State from the terrors of that revolution now desolating the land. The wicked passions of our fellow-men are riding on wild horses, without the reins of reason to guide, check or control. Let us, at least, to whom have been entrusted the destinies of this giant young commonwealth and her million of people, not permit ourselves to be deviated one hair's-breadth from the path, which duty to ourselves, our country, and our God, shall clearly show to be the path of safety and of honor. Above all, let us seek wisdom from Him who giveth liberally and upbraideth not. It becomes us to be as calm as the circumstances with which we are surrounded will permit, and to avoid all the excitement which now pervades this once happy land, and, as statesmen, to investigate the cause and remedy for the disease which we now find to exist in the body politic. National politics, it is true, have nothing to do with the subjects contained in the report of the Committee, for they refer to matters of STATE alone, although, to a greater or less extent, they have been discussed by several gentlemen on this floor. The unconstitutional acts of the present Executive of the United States have been largely referred to and discussed, and the argument seems to be drawn from such a discussion, that because the President of the United States has been guilty of glaring infractions of the Federal Constitution, *therefore* the Governor, Lieutenant Governor, Secretary of State, and members of the General Assembly, should not be turned out of their respective offices. This is a *non sequitur* so glaring that I shall not pretend to farther reply to it. I take this occasion to say, Mr. President, that I never have been, and, until I lose my present senses, never will be the supporter of the principles upon which the present Executive of the United States was elected. I dissent entirely from the sectional principles of the party in power, and I disclaim all allegiance whatever to any sectional party, either North or South. I do not stand here to excuse or justify any unconstitutional act, whatever it may be, that the Executive of this Government has been guilty of. I know it has been charged that the great writ of *habeas corpus* has been suspended in violation of the Constitution; I know it has been said that a declaration of war has been made without constitutional authority, and I shall not undertake to excuse or justify the one or the other; but I may be permitted to remark that these things now occurring before our eyes are not occurring for the first time in the history of this Government, and have not, thus far, been considered sufficient cause for a destruction of the Government. Sir, when that great writ of *habeas corpus* was suspended by Gen. Butler, in Baltimore, it was not the first time the same thing had been done in this country by military chieftains. Every gentleman acquainted with the history of this country, will well remember the struggle at New Orleans on the 8th of January, 1815. In the month of December, previous to that great battle, the gallant hero of New Orleans, Gen. Andrew Jackson, the then commander of the American forces at that point, unable to obtain the consent of the Legislature, in session at the time, took it upon himself to declare the city to be under martial law. News soon came to the city, but in an unofficial shape, that peace had been declared between this country and Great Britain, and Mr. Louallier, a member of the Legislature, made publication of the fact in the papers of the city. For this offence, he was arrested by Gen. Jackson and placed in confinement. Application was made to Judge Hall for a writ of *habeas corpus* to inquire into the legality of this proceeding. The writ was granted, directed to Gen. Jackson, who held Louallier in custody. That gallant hero immediately arrested Judge Hall himself and kept him in custody till the war was over. The official news of the ratification of a treaty of peace being soon after received and no further necessity appearing for the im-

prisonment of either Judge Hall or Louallier, they were accordingly released. Not many years subsequent to this, this same military hero, who had thus set at naught and suspended this great writ of *habeas corpus*—yea, more than that, he who had imprisoned the Judge to boot,—was twice elected by the American people to the highest office in their gift. After Jackson had thus taken it upon himself to disregard the Constitution and violate the rights of the citizens, he was elected to execute it, and, sir, to this day, that man has been the pride of the American people, and they have always justified the act by the necessities of the case in which he was placed. Who ever heard of any one wishing to dissolve this great Government because Jackson had suspended the writ of *habeas corpus* at New Orleans, and imprisoned the judge who issued it. I have no doubt, Mr. President, if the truth were known, there are a great many men, who have been loud in their hosannas for the hero of New Orleans, who are now lustily demanding the disruption of the Government, under the plea of a violation of the Constitution in this very particular. It is not for me to say whether Gen. Butler was in any manner excusable for his refusal to obey the writ of *habeas corpus*, recently served upon him. I do not know the circumstances which surrounded Gen. Butler and which he felt to be of so transcendent a character, as that he felt himself justified in arresting the execution of that great Constitutional writ. I do not justify his act, neither am I prepared even to excuse it; but I cannot go so far as to say that there are *no* circumstances under which that great writ may not be temporarily suspended in case of war, either foreign or domestic. The right of property is as much a Constitutional right as the right to liberty, and yet in times of war this right of property has always been treated as subservient to the public good.

There has also been a great deal said about the recent act of the President in calling out the army and navy without the previous authority of Congress being first obtained, and this is charged as a reason for the destruction of the Government. In former periods of our history, such an act has never been regarded as a ground of complaint even, much less a ground of destroying the Union. It is said this, too, is the exercise of an unconstitutional power, since Congress alone has the power to declare war and incur millions of debt. Now whether all this be true or not, I shall not stop to discuss, but suffice it to say that that power has been exercised by former Presidents and thus far without serious complaint. In 1846 James K. Polk called forth the militia and sent them into Texas, without any authority from Congress, and at an immense cost of life and treasure to the people of the country, and this, too, without any declaration or acknowledgment of even the existence of war by the Federal Congress. It is true Congress passed an act in which they acknowledged the existence of a state of war between the United States and Mexico, but that was not until some time after President Polk had sent his army into Texas. My gallant friend from Clay (Col. Doniphan) was a valiant warrior in that campaign, and with his Spartan band he forced his way across the burning plains which lie far to the west, and my friend from Buchanan (Mr. Hall) was a private in that bold and daring regiment, and while serving his country upon the plains of Mexico he was elected a member of the Federal Congress.

Now, sir, the battles of Palo Alto and Resaca de la Palma had both been fought and won before the Congress of the United States had even recognized the existence of the war, much less declared it, and I affirm that no act of Congress can be found, by which war was ever declared against Mexico, yet President Polk called forth the army and vindicated the honor and sovereignty of this great people, and he was sustained. It is true that was a foreign war and not a war to suppress what is called a "Rebellion." But we are not without examples of the latter sort. It will be remembered that President Buchanan called forth the sword of the nation to suppress a rebellion in the Territory of Utah. Armies were equipped and immense debts incurred to suppress that rebellion, and the great heart of the American people approved the act; and, sir, it occurs to me that the President of the United States, when he knows of the existence of a rebellion in any portion of the Union, is bound by his oath to see that the laws be faithfully executed and restore peace to the country. I shall not undertake to discuss the question whether the state of things now existing in the seceded States comes within the legal definition of a rebellion.

But a great deal has been said about the right of the Federal Government to declare a blockade of the seaports of the seceded States. This, too, is pronounced unconstitutional, a charge which I shall not stop now to investi-

gate, but will pass it by with the remark, that the Constitution of the Confederate States is but little else than a transcript of the Constitution of the United States, and yet that Confederacy has passed a law, making it a penal offence for any of its citizens to export cotton through any of its *inland* ports; so that while the Federal Government prohibits their exports of cotton through their *sea-ports*, they prohibit such exportation through their *land* or *inland ports*; and the one is as much a blockade as the other, and if the one act is in violation of the Federal Constitution, so must the other be a violation of the Confederate Constitution, since on this point there is no difference between them. But it was not, Mr. President, my purpose to refer to these national questions, had not several gentlemen who have preceded me, indulged in that line of argument. And my only purpose has been to show that the same acts which are now being done, have been done before, and have never heretofore been regarded as *any* cause, much less *sufficient causes*, for a violent disruption of this great Government. I think therefore they are only made so many pretexts to excite and inflame the public mind, already too much excited; and however much they should be condemned, yet they ought not to be regarded as sufficient causes for destroying this, the fairest of all human governments. I can regret and condemn an act of a public officer with all my heart, without at the same time choosing the false and dangerous policy, that to get rid of a bad officer, we must destroy the government over which he may temporarily preside, and by such an act shipwreck the hopes of thirty million of freemen, and blot out of existence the last and brightest star in the great galaxy of nations.

Having thus briefly referred to national matters, I shall refer more directly to the proposition before the Convention. That proposition has been discussed as if involving both the power and expediency of this Convention, in deposing certain State officers, and the filling the vacancies thus created by a vote of this body. Although the first proposition of the committee does not strictly include so many questions, yet I shall but follow the example of many illustrious predecessors if I indulge briefly in the same line of remark.

The question of *power* has already been ably and amply discussed, and I shall not detain the Convention with many remarks upon this branch of the subject. I have always been of the opinion, ever since the bill providing for the call of a State Convention was first introduced into the Legislature, of which I had the honor at the time to be a member, that the powers of the Convention would be sufficient either to alter or abolish the Constitution of the State of Missouri, and I announced that opinion from my seat at the time of the passage of the act. I had no doubt in regard to that proposition then, neither have I any now. I shall not here reiterate and re-affirm the arguments in behalf of the power so ably stated by my friend from St. Louis (Judge Gamble) the other day, but shall direct your attention to a view of the subject different from and in addition to that presented by the gentleman from St. Louis. It has been attempted to be maintained by another gentleman from St. Louis, (Maj. Wright) in his argument the other day, that this Convention had no constitutional or other legal right to make vacant the office of Governor and other State officers. Let us look at this question for a moment, for I must pass rapidly on.

It will be admitted on all hands, and particularly by the gentleman from St. Louis (Maj. Wright) and those who are acting with him, that this Convention has the power under the act calling this body together, to pass or adopt an ordinance "to change or dissolve the political relations of this State to the government of the United States, or any other State," with a condition imposed by the tenth section of the act, that such ordinance should not be valid "until a majority of the qualified voters of this State, voting upon the question, shall ratify the same." As to the force and effect of such an ordinance, so far as the Constitution of the United States is concerned, I shall not now stop to inquire, but I shall only discuss it with reference to the Constitution of the State of Missouri, and endeavor to ascertain whether such an ordinance would have any effect upon the Governor and other officers of the State.

Now, after the passage and ratification of such an ordinance, commonly denominated an ordinance of secession, in what condition would the State be placed? We would have, I think, a State without officers, and no persons in the State qualified to elect them. This will the more readily and indisputably appear by consulting our Constitution. We there learn that, "the Governor shall be, at least, thirty-five years of age, and a natural-born CITIZEN OF THE UNITED STATES," &c. Would Governor

Jackson be a *citizen of the United States* after we had changed our relations to the Federal Government? If not, he would not possess the constitutional qualifications for that elevated position. The effect, I apprehend, would be the same, whether Gov. Jackson ceased to be a citizen of the United States by act of the Convention and People, or whether he should become so by a voluntary act of expatriation. The Lieutenant Governor "shall possess the same qualifications as the Governor." No one is eligible to either branch of the General Assembly who is not "a free white male *citizen of the United States*." More than that, whilst these officers by virtue of an ordinance of secession become *ipso facto* incapacitated to hold their respective offices, so are they constitutionally ineligible to re-election, without first changing the Constitution with reference to the qualification of those officers; but this right to vacate these offices, and to change the Constitution, is the very proposition which the gentleman from St. Louis (Maj. Wright) so stoutly affirms this Convention has not power to do.

Let us, however, pursue this investigation one step farther. In addition to the argument that the Governor and other officers of State would become *functus officio* by the act of secession, I have also affirmed that there is no authority in the people to fill the vacancies thus created. This proposition is conclusively proven by a reference to that provision of the Constitution defining the qualifications of voters. They too are required to be "free white male *citizens of the United States*," a qualification they would not possess after the adoption and ratification of an ordinance of secession, *without a change in the Constitution*; but the gentleman from St. Louis denies this power, and if he be correct, we could never have another legal voter in the State. Hence it is, Mr. President, that I deduce the conclusion that the power of this Convention over both the Constitution and its officers, is within the direct terms of the act, as well as within the intention of the Legislature in passing it.

But, sir, we are told by my friend from Andrew, (Mr. Hudgins,) that this is not the body, authorized by the Constitution to impeach the Governor and thereby depose him from his office. This proposition is cheerfully granted, yet I cannot see that it materially aids us in determining what our powers really are. Surely by admitting that we have no power to impeach, we do not thereby affirm that the Governor may not be deposed in other ways than by impeachment. The gentleman has directed our attention to that provision of the Constitution, which directs in what manner, by whom, and for what causes a Governor may be removed by impeachment. As the Convention does not propose to remove Gov. Jackson by impeachment, it would seem unnecessary and out of place to apply the law of impeachment. The Committee have reported no articles of impeachment. Had they done so, the gentleman might have had grounds for his argument. My friend is mistaken in supposing that every removal from office must be by impeachment. The Constitution clearly recognizes the distinction. It provides that "when the office of Governor shall become vacant, by death, resignation, absence from the State, *removal from office*, refusal to qualify, *impeachment*, or otherwise, the Lieutenant Governor, or, in case of *like disability* on his part," &c., shall exercise the functions of the Executive office. Now, sir, what are the grounds for impeachment, as provided in the Constitution? Those grounds are neither more nor less than misdemeanor in office, and when the Governor shall have brought himself within the terms of the Constitution, then it is within the power of the House to impeach, and the Senate to convict, and it is a part of their judgment that he be removed from office. That judgment also carries with it a disqualification, which the action of this Convention does not and cannot carry. When the Governor shall be found guilty under articles of impeachment, the Senate may, in its judgment, declare him incompetent thereafter "to hold any office of honor, trust, or profit, under this state," but this body does not place any disqualification upon Gov. Jackson by their proposition to depose him, for he may be elected to fill his own vacancy. Is it any part of our duty, or does this body propose by any action, to impeach the Executive of the State, and disqualify him from ever again holding office under this State? Not having proposed to impeach that officer, my friend from Andrew, (Mr. Hudgins) should not have invoked the provision of our Constitution upon that subject; neither, sir, should he have invoked any provision of that instrument upon the subject of treason and the necessity of a resort to an indictment, as he has done. I have yet to learn that the Committee ever recommended an indictment of the Governor, much less did they indict him, and the reference of my friend

from Andrew to the law concerning indictments for treason is equally as inapplicable as his reference to the law of impeachment. The case referred to by that gentleman in the Supreme Court of Massachusetts, upon the powers of State Conventions, is equally as inapplicable as many other references which he saw fit to make. The Massachusetts case is briefly this,—if a State Convention be called to execute a certain power, can that Convention exercise a power *not granted?* To that interrogatory a negative reply is given; but my friend from Andrew *assumes* the very question at issue, and proceeds to argue upon that assumption. He *assumes* that this convention is asked to exercise a power which is *not* granted to it. This assumption carries with it the very thing which we deny. We maintain that the power to alter the State Constitution is directly or necessarily *granted*, and this I have undertaken to prove, by showing the absurdities to which we would be driven, if we denied it. But this power, which we hold is granted in the act calling this body, is taken and assumed not to exist, and then the gentleman seeks to apply the opinion of the Judges of the Supreme Court of Massachusetts to the case as he assumes it. It occurs to me that he should first have demonstrated that our power to alter the Constitution *has not been granted*, and then his authority might be entitled to some consideration. Such, however, is not the course which that gentleman has pursued, for instead of proving it or even attempting to prove it, he at once *assumes* it, and then applies his decision to the case as he has thus supposed it to be. This is a begging of the whole question. The question is directly submitted to those Judges,—can the Massachusetts State Convention exercise powers *not granted*; — a case not at all in point, unless it be first shown that powers are attempted to be executed here, which are *not granted*. I could but admire the ingenuity of my friend in making this assumption, and building his argument upon it; but justice requires me to say that he calculated too much upon our credulity, if he supposed we would not detect and expose it. As I understand the act which provides for calling this Convention, and the powers of the people in assemblages of this character, I entertain no doubt at all in regard to the power of this body to do all that is proposed in the report of the Committee of Eight, and much more than even that, if, in our judgment, more was necessary "for vindicating the sovereignty of the State and the protection of its institutions." Holding, then, as I do, that we have the power to do all and even more than is proposed, by the express terms of the act, I do not, of course, recognize or appreciate the applicability of the Massachusetts case, as to the exercise of powers *not granted*. By the very terms of the act creating this body, we are directly and expressly authorized and empowered "to adopt such measures for vindicating the sovereignty of the State and the protection of its institutions, as shall appear to them [us] to be demanded"; and if it shall appear to us necessary to the attainment of these purposes and the securing of these objects, that any particular officers, State or county, should be removed from office, the power to do so is ample and complete. Now, sir, if the members of this Convention shall be of the opinion, and shall be thoroughly satisfied that Governor Jackson has invoked the aid of foreign powers to subjugate our citizens, and that he has, by his conduct, infringed upon the sovereignty of the people of this State, or is endangering any of its institutions; clearly, the right attaches to this body of removing him. How else shall the great purpose of this Convention, to vindicate the sovereignty of the people and protect their institutions, be accomplished?

But much has been said in this discussion about the duty of the Convention to submit its action to the people for their ratification. There is a difference of opinion, and I think unnecessarily, upon this question. While I freely admit the *propriety* of a full submission of our acts to the people, and shall, at the proper time, vote for such submission, yet I do not at all agree with some who have preceded me, that this policy is *required* at our hands. The Legislature have demanded by the tenth section of the act, that if we adopt any act ordinance, or resolution, changing or dissolving the political relations of this State to the Government of the United States, or any other State, such act or ordinance shall not "be deemed to be valid," "until a majority of the qualified voters of this State, voting upon the question, shall ratify the same." But, Mr. President, there is no part of the Committee's report that proposes to change our Federal relations;—the relation of Missouri to the Federal Government will remain the same whether Claiborne F. Jackson or any other man be the Executive of the State. While, however, we

are under no *legal* obligation to submit the proposed action to the people; yet, recognizing the people as the proper tribunal to appeal to, I shall cheerfully recognize the *moral* obligation to submit our action, and shall so vote at the proper time. I know, sir, from experience and observation, the meaning of the tenth section of the act calling this Convention into existence. I was a member of the Legislature at the time, and had the honor of bearing no little part in the discussions in this very hall in fastening that clause into the act. I remember the bitter strife and the almost insurmountable obstacles we had to contend against in fastening that clause into the act. I remember we attacked this bill day after day, and proposed amendment after amendment; and I remember the night I was seated in this hall as a spectator, when the friends of the bill held their caucus, and that, in calling the roll of members, seventy-six of them pledged themselves to vote against every amendment that might be submitted to the bill. That was before the tenth section was incorporated into it. I then began to believe that we should lose the battle we had fought so persistently. But in the morning we opened some half a dozen twenty-four pounders upon this majority of seventy-six, and it was not long before they were compelled to yield the position they had assumed, and to back down from the pledges they had made in caucus, and consent, by the force of public opinion, to inaugurate that provision of the tenth section into this bill. I say I know by experience that it was understood that an ordinance of secession should be submitted, and nothing else, and this not until after the most strenuous exertions had been made to incorporate the tenth section in the bill. Sir, these are important questions, and it becomes every gentleman on this floor to give them the most serious consideration. I have felt the importance and responsibility of the position in which I am placed, and I have felt myself called upon, in view of the necessities of the people of this State, and the duty which I owe to my country, to take the steps recommended by the Committee of Eight. It may be said that the people will not submit to our action. That, however, is not the question for this Convention to determine. I tell you that the Legislature in secret caucus never stopped to inquire whether the people would submit to the military bill. They performed their acts and they felt the consequences to be beyond their jurisdiction. It may be possible, sir, that the minority of the people of this State will not cease their efforts to involve Missouri in a devastating war, even if the majority should declare their unqualified disapprobation of such a policy. We are at once cut adrift in an ocean of strife and bloody war, if we renounce that great fundamental principle of this Government, that the majority must rule. If the minority shall resort to the bullet to recover what they have failed to secure by the ballot, then we shall not be one whit better than the semi-civilized nations of Mexico, who invariably resort to arms at each recurring election.

Vox populi vox Dei has long been a favorite dogma with politicians of certain schools, and it has generally been regarded as a political axiom not open to question, but was to be taken as conceded truth. Taking such axiom as true in their political action as States, our seceding brethern yet persistently repudiate it in their Federal action. They have affirmed that the *vox populi*, at the late Presidential election, is not *vox Dei*, but rather the voice of passion and of sectional domination. This I shall not dispute. They consequently denounce the voice of the people as portentous of the destruction of constitutional rights and of political equality;—not that they had at the time endured the practical enforcement of the Chicago platform, but a mere apprehension of a future loss of political rights was of itself deemed sufficient to justify a forcible resistance to the execution of admitted powers. Constitutions are for the protection of the minority, for the majority, it is said, can take care of itself. The principle, however, to be valuable, must be consistently applied and of universal enforcement. We have witnessed in the last few months some very singular applications of the doctrine of popular government. Our Southern brethren in the *Cotton States* have occupied a two-fold attitude before the world. As regards their relation to the *Federal Government* and their duties as *citizens of the United States*, they flatly, broadly and unreservedly denied the principle that the majority should rule and the minority submit. They repudiated the doctrine—*vox populi vox Dei est*. As citizens of the *United States*, they were in a *minority*, and they forcibly resisted an officer universally admitted to be constitutionally elected. But whilst, as citizens of the United States, the secessionists of the cotton States were in a minority when compared with the aggregated whole, and whilst being so in a mi-

nority they counsel resistance to the will of the majority, and actually attempt to enforce such resistance, yet when these same men are considered as citizens of their respective States, their relative position becomes immediately reversed, and they at once become the ruling majority. In that position, they instantly repudiate the doctrine which they had assumed with reference to their relation to the Federal Government. They pass ordinances of secession by a majority, and demand of the minority absolute and unqualified obedience and *submission*, under pain of temporal and political punishment, and *coerce* that minority to submit to a loss of all their rights under the Constitution of the United States. But it may be said that these people were apprehensive that their constitutional rights were to be invaded, and, perhaps, taken away. Constitutional rights they maintained, were rights which majorities could not take away from minorities. In this they were right to a certain extent, for such, at least, is the *theory*, if it has not always been the *practice* of this Government. This was the position and argument they assumed as citizens of the United States, but as citizens of their respective States their position and argument has been precisely the reverse. In one case they denounce submission and coercion; in the other they require both. What have become of the constitutional rights of the minorities in Virginia, Tennessee, Louisiana, and the other seceded States? They have been swept away by one blast of the withering breath of the majority. Where are *their* constitutional right of representation in the Federal Congress; their right of protection to life, liberty and property; their right to a republican form of government, which had been guaranteed them; their right to recover their fugitive slaves escaping into States where African slavery does not exist; their right of protection under the American flag in every part of the world? These constitutional rights of the minorities in each of these States, where are they? They have all been obliterated and destroyed, and, perhaps, for ever, and by whom? The answer is, by a people whose fundamental faith it is that the majority cannot interfere with the constitutional rights of the minority.

But, Mr. President, I must pass hastily on, as my time under the rule is fast wasting away. I was proceeding to discuss the action of the Governor and Legislature when my mind was led away by this digression. I have briefly spoken of the power of this Convention to carry into effect what has been proposed by the Committee of eight, and I was about to inquire into the history of this State, to ascertain whether the removal of the Governor and other officers was necessary to "vindicate the sovereignty of the State and to protect its institutions." If it was, we had both the power and it was our duty to make such removal. That history may be briefly epitomized as follows: A Convention of the people is called to consider the existing relations "between the Government of the United States, the people and Government of the different States, and the Government and people of the State of Missouri, and to adopt such measures for vindicating the sovereignty of the State and the protection of its institutions as shall appear to them to be demanded." An election is held, and the Convention so elected declare "that at present there is no adequate cause to impel Missouri to dissolve her connexion with the Federal Union, but, on the contrary, she will labor for such an adjustment of existing difficulties *as will secure the peace*, as well as the rights and equality of all the State." In about three weeks after this emphatic declaration of the people of Missouri, and in the recess of the Convention, Gov. Jackson addresses a letter to David Walker, Esq., the President of the Arkansas Convention, under date of April 19, in which he declares that he does not know what may be the future action of *the people*, and that no man can predict or foretell, with certainty, what that action may be; "but my impression is, judging from indications hourly occurring, *that Missouri will be ready for secession in less than thirty days, and will secede if Arkansas will only get out of the way and give her a free passage.*"

"Thirty days," is the time designated by Gov. Jackson for the secession of Missouri, right in the face of the emphatic declaration of the people, that no adequate cause existed for such an act. The Legislature is accordingly convened in extra session, *and within the limit of "thirty days,"* Gov. Jackson approves the military bill which I shall proceed to show cannot be carried out without a forcible and armed expulsion of Missouri from the Federal Union. I shall pass over the ruse of Governor Jackson, as manifested in the Price-Harney agreement; for his letter to Mr. J. W. Tucker shows that that was only ruse to get "a little time to arm the State," with an assurance that he was "assuming *every* responsibility *to do it*

with all possible despatch." Not long after this, Gov. Jackson, by public proclamation, promulgated and declared war against the Federal Government, and called for fifty thousand volunteers to aid him in that act. I think I may safely say, that that officer is now endeavoring to execute the military law of the State passed in this Hall at midnight, when the members had bayonets and guns in their hands.

Mr. WRIGHT. Was that not in consequence of an intimation that the Federal forces were coming up to attack the Capitol?

Mr. WELCH. I will answer the gentleman officially; that action was in consequence of a message sent into this hall by his Excellency, Gov. Jackson, in these words:

"*To the Senate and House of Representatives:*

"I have received information that two regiments of Mr. Blair's troops are now on their way to the Capitol.

C. F. JACKSON."

Sir, it seems that like the mettled war-horse they smelt the battle from afar, and under that proclamation at midnight, the members of the House of Representatives in this hall with guns and bayonets in their hands passed that military bill. I was going on to say that the Governor is now executing that military bill.

And I desire to call the attention of this Convention to one section of that bill, and then to what took place in this hall in reference to that section. I refer to section 167.

"SEC. 167. It is hereby declared unlawful for any number of the inhabitants of this State to unite together in the semblance of an armed organization, *without having been first regularly organized and mustered into the service of the State, under the provisions of this act;* and whenever it shall come to the knowledge of any officer or soldier of the Missouri State Guard, that such an armed organization has been, or is likely to be attempted, it shall be his duty to immediately notify the commanding officer of the district in which such organization has been, or is to be attempted, of the fact, *and it shall be the duty of the commanding officer of such district to immediately disarm the same;* and to this end he shall have authority to use so much of the military force at his command as will attain that end; and all arms found in possession of such organization shall be confiscated to the State, and be seized and forwarded to the State Arsenal; *Provided,* That nothing in this section shall be so construed as to prevent the summoning a *posse comitatus,* by a Sheriff or other civil officer, to enforce the execution of any civil process."

Now, I defy the Executive, or any military officer in this State, to execute that section without bringing on a conflict with the Federal forces. They are required to disarm every military company that is not mustered into service under this act. What then becomes of the right of the people to bear arms, unless they are borne in the way Governor Jackson shall endorse. I determined to test whether or not it was the determination of those men who had forced this bill on the State to bring on a conflict with the Federal Government. Talk to them privately, and they would deny that was the construction of the section, although that construction would not be doubted by any disinterested legal gentleman in the State. They were required to disarm every organization in the State which was not mustered into service under this bill. We soon found out whether it was their purpose to come in conflict with the Federal forces in this State. In order to do this, I drafted an amendment, and placed it in the hands of Mr. Harmon, of Newton. I was sick the next day, and not able to be present, but that gentleman offered the amendment, and I will read it in order to show what the intentions of these men were.

Amend section 167 by adding thereto as follows:

"Provided, however, That nothing in this section or act contained shall be so construed as to authorize the military forces of this State, or any part thereof, to interfere with the troops of the United States, *within any post or arsenal* within this State, so long as said United States troops shall not unlawfully interfere with the person or the property of any citizen of this State, and until the State of Missouri shall, by a vote of the people thereof, change her existing relations with the people and Government of the United States."

I was determined to test the question by this amendment, and find out whether they intended to attack the Federal troops, and I was determined to do this in a way upon which there could be no question, for no man will deny the right of the Federal Government to place its forces *within the forts and arsenals of the State.* They are the private property of the Federal Government, and I was determined to test whether it was the purpose of these men to bring on a conflict with the Federal Government and destroy their allegiance to the Union. The fate of this amendment is

known to the State. It failed, and they refused to declare that it was not their intention to attack the Federal forces within the St. Louis Arsenal. Under section 167 of this bill it is made the duty of the Commander-in-Chief to call into service enough of the State forces to break up any organization in St. Louis not organized under the provisions of this bill, and to take the arms from them which they are now authorized to hold under the Constitution. Now, it happens, Mr. President, that on the 10th of May, at the time of the capture of Camp Jacksen, on the very day, and, for aught I know, the very hour when these scenes were transpiring in St. Louis, this Legislature declared they would break up an organization of the Federal Government. Then the State, having declared it to be the duty of the troops under Jackson to break up this organization of the Federal troops, it became a question of military propriety who should commence the contest first, and upon that score, not being a military man, I am not prepared to say. Now, sir, if this military bill is carried out as they are now endeavoring to carry it out, what becomes of the sovereignty and institutions of this State? Are they to exist in the midst of civil and internecine war? Can the peculiar institutions of this State outlive the clash of arms, or will they fall in the common wreck? Sir, there might have been some apprehension in the mind of the Executive, whether the people would yield obedience to the military law or not, and hence the Governor of the State, when he issued his proclamation, in order to remove all objections in the minds of the people, announced the astonishing theory that their primary allegiance was due to him. I have that gentleman's proclamation here; but in order the more effectually to carry out that bill he announced the primary allegiance of the citizens of the State was due to him as Commander-in-Chief. My friend, from Ray, presented my views in regard to that question in a clear and able manner. I do not believe that there is any conflict of allegiance between the Government of the State of Missouri and the Government of the United States. The Constitution of the United States gives the Congress of the United States certain powers, and the Constitution of the State of Missouri grants certain powers to the State authorities, neither conflicting with the other, and hence there can be no conflict of allegiance. I say the same powers are not to be found in both of these Constitutions, but I say that under the Constitution of the United States my paramount allegiance is due to that instrument, especially when you come to force upon me unconstitutional requirements as endeavored to be done by this military bill. The Legislature of this State, nor any other department of this State, has the right by law to demand paramount allegiance or to break any tie which binds me to the Federal Government. This question was decided in South Carolina. That State, after passing a nullification ordinance, passed a subsequent ordinance requiring all military officers in the State to take an oath of supreme allegiance to South Carolina. It happened that a certain military officer in that State who had been elected Colonel of regiment, applied for a commission, but it was refused because he refused to take the oath prescribed by the Convention. What then did he do? He applied for a mandamus to the Supreme Court to give him his commission, on the ground that he was willing and ready to take the oath required by the Constitution of the United States. The Supreme Court issued the mandamus, the officer got his commission, and it was the death-blow of nullification in South Carolina. Now, sir, this being the case, the position occupied by the Executive of this State is a position which will involve us in a civil war, in which neighbor will be arrayed against neighbor, and, each army marching under different banners, producing scenes of slaughter and seas of blood. Sir, he may do all this, and without any justification under the supreme law of the United States or this State.

The question of importance to the people of this great State now is, what can the Convention do to relieve them from their present unfortunate and miserable condition? What can the Convention do to "vindicate the sovereignty of the State and protect its institutions." Over the door of entrance to this Capitol, is inscribed the motto "*salus populi, suprema lex esto.*" The safety of the people is the supreme law of this State. Now, in casting our eyes over the horizon of public affairs, viewing the dangers which surround us, examining the acts of the various officers with whom we have intrusted our dearest rights, we find it is not safe to continue these gentlemen longer in power, and I say it is in the power of this Convention to remove these officers and deprive them of the power to do evil.

I take this occasion to say, Mr. President, that I condemn with all my heart the war

now going on in this State. I denounce the invasion of Missouri by foreign armies,—men, who claim to be of a different nation with ourselves. I cannot believe that such conduct meets with the approbation of President Davis; for his policy has professedly been that of self-defense alone. How are we ever to be relieved of the presence of Federal troops, whilst these men are invading our soil. Neither do I recognize the right of Governor Jackson to invite a foreign foe upon the soil of Missouri, to murder its citizens and lay waste its fruitful fields. Our citizens are subject to great excesses from both of the armed forces. Men are arrested for the mere expression of opinion, which is a tyranny of the worst description. I despise, I condemn such practices. Every peaceable citizen should receive every constitutional right,—and none is more sacred than his right to personal liberty, and the right to express his sentiments freely upon all subjects, being responsible for its abuse. The Federal troops and the State troops have been alike guilty in this respect. The Government at Washington can take no more effectual means to drive this State from the Union, than its illegal and unconstitutional interference with the liberty of its citizens. No man should be interfered with till he is found guilty of some overt act against the Constitution and laws. As long as a man shall confine himself to the expression of his own opinions, without disturbing the legal rights of any other citizen, it is nothing but an exercise of tyranny to interfere with such an one. No power in this State, whether it comes from the Federal bayonet or State bayonet, has the right to interfere with him. It is more, Mr. President, than I am able to do to lift the veil which prevents us from casting our eyes into the dim vista of the future. I would I were able to look into the future, then I might be able to determine what course is best for us to pursue. If I know my own heart, I would do nothing calculated to increase the strife now existing in this State, or in any way to destroy the rights which every citizen should enjoy in the Government under which we have lived. That Government, sir, has never yet deprived me of any right, and I am to-day in the enjoyment of every constitutional right which I have ever enjoyed; and, sir, it seems not the part of statesmen to surrender a Government under which we have enjoyed every blessing heretofore, without looking to see whether we will be worse off in the future.

[Here the President's hammer fell.]

Mr. GANTT. Mr. President, as my colleague desires to address the House after all who wish to participate in this debate shall have spoken, and as I have something to say to which he may have occasion to reply, I will, at this point, make some observations. Something has been said in the course of this debate, rather ramblingly, concerning the taking of Camp Jackson. Now it is very odd that the defense of this measure should fall upon one who is in no sense now, or at any time past or present, connected with the Government whose act it was. But I do say now, although I did not at the time, not seeing all the facts which led to that act—that I look upon it as one of the most soldierly, statesmanlike and just proceedings which ever has been performed for the safety of a State. These were the facts. We see now by the clear light which the letters—the published letters of Governor Jackson—furnish, and by the secret acts of the Legislature, now known by their publication, and by the removal of the veil of secrecy—that at the same time the Legislature was convened a camp was convened at St. Louis. We know that on the ninth day of May, and before any hand had been raised against that camp, the Legislature passed, in secret session, an act, which was approved at that time by Governor Jackson, which authorized him to extend the stay of the companies at that camp beyond the six days provided for by the existing law. We know that emissaries from Jackson had gone to the Southern Confederacy, to Montgomery, and Baton Rouge, and that a portion of the arms which were taken at Baton Rouge by the State of Louisiana last winter, were placed on board the steamer J. C. Swon, and brought to St. Louis under the care of Messrs. Duke and Green—that they were brought to St. Louis, and that the boat came into port with a secession flag flying—that they were received there by the police authorities of St. Louis, and taken out to the camp—one of these emissaries being a nominee to a place on that police, but not having the qualifications for that position, had not formally taken his position on the Board. We know that the arms thus taken out were not exclusively small arms, not muskets and bayonets only—not such as were required for the exercise of the troops, but that there were howitzers and shells, Mr. President—loaded shells—not one but many of them—wagon loads of *loaded shells*. But I recognize as correct what my colleague from St. Louis (Mr. Gamble)

said, that there were many, I believe a majority, of those who were in that camp, who were not cognizant of the traitorous designs of the leaders. They were not let into the councils of Jackson, or Frost, or Bowen, or Reynolds, or Parsons, but they were made the dupes of false representations. They were assured that they were being assembled there in conformity with the law, and for a perfectly legal purpose. But it was not so, and I presume that no one within the sound of my voice now doubts that the intention of convening that camp—of bringing to it numbers of men from all parts of the State—of requiring the Southwest Battalion there to be paid off and mustered out off service—and warning them that they were *not* to be paid off until they went to St. Louis—thus bringing these men there without arms, and arranging the plot so as to have them furnished by the Swon from the South with arms—I say, I presume no one can doubt that the convening of that camp was for the purpose of making an attack on the St. Louis Arsenal. No doubt it was further designed that an act should be passed by the Legislature in secret session, and the first announcement of the passage of this act should be the signal for assailing this Arsenal. It so happened, Mr. President, that previous to the convening of the Legislature, far-seeing men had enrolled some five or six regiments into the service of the United States, or into a sort of military service, because I believe the fact to be that the movement was not formally warranted by any existing law; that there was no law authorizing the raising of those regiments; but yet, under the energetic and voluntary action, if you will, of those who consulted the good of the State in that trying hour, something like four thousand brave men were banded together in regiments, with officers chosen to command them. None of these were commissioned by the State of Missouri, and in one sense they were not soldiers, but stood ready to perform their duty to the State; they stood forth to defend the country in a time of trial, and well they did it.

To resume—these arms were taken to Camp Jackson. A question then arose as to what was best to be done. A fire had been kindled. Was it to be permitted to involve the whole State in a conflagration, or must it be trampled out? I believe those best informed on the subject, with two or three exceptions, thought delay was the better policy. I myself knew nothing of the intention to take Camp Jackson or to take the arms until the morning of the 10th of May, when I heard it from a friend of the Administration, who was himself chagrined at the determination; and so little did I know, and so little did he know of the merits of the case, that we united in deprecating the contemplated step; that I said I would exercise my feeble influence to prevent the execution of that resolve. I got upon a horse and proceeded towards the Barracks, when I met the regiment of Col. Blair coming up, about half way between the Barracks and the Arsenal. It was the first time I had seen Col. Blair since November last. I met him and spoke to him, our relations having always been friendly, although we differed politically for many years. I spoke to him, and in a few words he convinced me that I was there on a fool's errand, and that what he was going to do was the only thing which could promote the safety of the State, and that to omit doing it would be to allow the conflagration already kindled to involve us in destruction. His own mind was settled, and when I suggested that there was still time to get these arms (which he showed me had been stolen, and were now being held by traitors—these men already having secession flags in camp, although not yet spread to the breeze, but being ready to be spread when the fit signal should be given)—when I suggested to him that there was time enough to take these arms by civil process; I don't think I shall soon forget the expression which come over his face when he said: "We have no time now for such trifling—the day for such foolery has passed." We rode along together for some distance. I saw the steady movement and heard the steady tramp of his men; and every now and then a tremendous cheer would go forth. It did not at first interrupt my conversation with Col. Blair, because I was greatly engrossed by that conversation; but presently he saw me looking up to see what it was these men were shouting about. "Oh!" said he, "that's nothing; these fellows cannot pass a United States flag without giving vent to their feelings. They have passed a number of flags, and whenever they get abreast of one a shout goes up—that's all." I felt that I had nothing to say in reply to his purpose; that he had seen with a clearer vision than I had, or than my friend with whom I had conversed in the morning had. We know what followed. So carefully were military measures taken that the camp was surrounded on all sides before Frost knew it was approached on one.

Something was said about a massacre—(perhaps I am wrong)—about the massacre or killing of women and children on that occasion. I believe that was the only occasion on which women and children, or persons not of adult age, were injured. Is it not so?

Mr. WRIGHT. I have heard that a woman was killed on Walnut street, but I do not think the report authentic.

Mr. GANTT. I think not. But to proceed. After this conversation between Col. Blair and myself, I returned to the city, considerably in advance of the troops, and when I got back I perceived an unusual stir in the streets. The report was being circulated that four regiments of troops were moving towards Camp Jackson for the purpose of an attack. What was that the signal for? Incredible as it may seem, Mr. President, every carriage, horse, and conveyance into which men, women and children could crowd, was started for that camp. *I* did not go. *I* had not lost my senses. But the next morning I saw a friend, who formerly belonged to the army. He was speaking of the affair, and I said to him, "You seem to know the circumstances." "Yes," he replied, "I was there, and I was fool enough to carry my boy there—and I saw hundreds of others there who were foolish enough to carry *their* wives and children, just because there was to be a row, and armed bodies of men were expected to be participants in that row"—so that the madness which impelled so many to that ground—just for the reason which should have kept them away—was the direct cause of all the bad consequences which occurred.

But let us go on. The regiment of Colonel Sigel, which took possession of the Camp, was insulted, in the first place, by every conceivable abusive and vituperative epithet, as I am informed. Then some of the more violent of the crowd, (for this was not done by the captured soldiers, who behaved themselves in a proper manner, as I learn,) came forward and spat tobacco juice in the faces of the soldiers. But their officers said—"Steady, steady, men!" and calmed them in that way; although we must admit that no American born citizens or soldiers would have endured the insults which were indulged in on that occasion. Then came sticks, turf, stones, and at last a pistol shot; and Captain Blandowski was wounded by a shot in the knee from a revolver. He has since died of the wound. It was not until after he was wounded that he gave the order for his company to fire. As is almost always the case, the soldiers, after the first discharge, from an instinct of humanity, leveled their pieces above those who were the original mischief-makers, and their shots took effect upon the innocent parties beyond. That was a most deplorable calamity, but some allowance should be made for the motive which induced the elevation of the muskets, and some little blame must be attached to those who went there because it was a place of danger and excitement. One woman was killed—a most unfortunate circumstance—and it only shows this, that those who visit places of that kind, and who have no business there, especially when every one expected a bloody conflict—when a morbid curiosity takes these persons in crowds to such a place—some blame should rest upon them for the deplorable results that followed. That these soldiers were not as steady as disciplined troops should be, I do not pretend to deny. Of course they were not. To a certain extent, undisciplined men, with arms in their hands, are but a little better than an armed mob. Regular troops could have repelled the crowd by the use of bayonets. It was unfortunate that that method was not resorted to; but I think if the positions had been reversed—if the assailants and assailed had occupied a different position; if the assailants had been Dutch and the assaulted Americans, the first Dutchman who spat tobacco juice in the face of an American would have expiated the offense on the spot with his life—and I doubt whether they would have waited for the saliva. I dare say the words would have been sufficient. Something was said about children being killed. I remember but one. He was a lad of fourteen or fifteen years of age, and where do you suppose he was? He was up a tree, near Col. Sigel's regiment, and was aiming his revolver for the third time, and he received his death-wound from a man whom he had wounded by one of the first two shots from his revolver. The order to fire was given by a man who had received his death-wound, (Captain Blandowski.) It was not given until after he had been shot and fatally wounded, and his men treated in the most ruffianly manner. The order to stop firing came from Captain Lyon—the only order which he gave in that connection—and as soon as the order to cease firing could be transmitted, it was obeyed. Capt. Lyon gave no order to fire; Colonel Blair gave no order to fire. Capt. Lyon gave the order to stop firing. Capt. Blandowski gave the order to fire, and

he did it under circumstances which would have justified him in any Court. I have no doubt, as I have said before, that the circumstances I have stated in connection with the taking of that camp, are susceptible of proof by more than one witness. I, of course, only deliver the testimony of those who were on the ground.

To make this statement respecting one of the most misrepresented and misunderstood events of our times, was one of the purposes for which I arose, Mr. President, and I thank the Convention for allowing me to go into this detail. The other purpose for which I arose, was the one to which I thought proper to call the attention of my colleague from St. Louis, (Mr. Wright.) When he addressed the Convention, he spoke of the power inherent in a Convention, and contended that no Convention could finally pass upon any Constitution without submitting it to the people for ratification. I think he said that in the last fifty years no Constitution had been framed by a Convention and become a Constitution of a State, without the work of such Convention being ratified by the people of the State. Am I not correct?

Mr. WRIGHT. I really did not hear what you said. I take it for granted, however, that you were correct.

Mr. GANTT. I will repeat. I believe my colleague said, in the morning part of his speech, that within the last fifty years there had not been any Constitution framed for a State which had been accepted as the Constitution of that State, without the ratification of the work of that Convention by the people afterwards. In the afternoon he made an inquiry of one of the St. Louis delegation, (Judge Gamble,) as to the facts in reference to the State of Missouri, and then said he did not speak with literal accuracy, and it was then, I think, he stated, if my recollection does not deceive me, that, within the last fifty years, no Constitution had been framed by a Convention as a final act, without being submitted to the people.

Mr. WRIGHT. I said that in the morning. Of course, I was not speaking with mathematical accuracy—in fact, I was speaking without examination. I was aware, of course, that the first Constitutions formed were not submitted to the people for ratification; but I alluded to the fact that I believed for the last fifty years a different practice had prevailed. It afterwards occurred to me that our own State Constitution was not submitted, but I could not find out, and then I said I believed it was forty-five years ago.

Mr. GANTT. I understood my colleague to say that the case of Missouri was an exception to what he supposed the rule.

Mr. WRIGHT. No, I don't think I said that.

Mr. GANTT. You did not use those words. But I will ask my colleague whether he did not intend to convey that idea, that the rule was that Constitutions, framed by Conventions, were not operative until ratified by the people.

Mr. WRIGHT. Not exactly that. In the morning speech I said that for fifty years no Constitution had been attempted to be enforced by its own vigor.

Mr. GANTT. I see. The expression, I believe, was that the work of a Convention could not receive its vital breath from the Convention itself.

Mr. WRIGHT. Yes; and to my knowledge, within the last fifty years, it has not. Of course, I do not commit myself to any mathematical accuracy, for I have not examined.

Mr. GANTT. Well, I will content myself with *historical* accuracy; and in order to do this, I have taken this memorandum from books within the last thirty-six hours; and the following States—sixteen in number—have, since 1790, framed Constitutions, by means of Conventions assembled for that purpose, and these Constitutions have become operative without any subsequent ratification by the votes of the people. The EXCEPTIONS to the *rule* that "in the last fifty years no Convention has framed a State Constitution without submitting it to the people for ratification" are fourteen in number. The instances *establishing* the RULE are nine in number. There may of course be other States not mentioned in this list. I have made as good a search as time has allowed, but I am aware that my examination is far from complete. I have in several instances gone behind the period of fifty years. Several States have not within that term made sweeping changes in their Constitutions which were originally settled by Conventions, and I think that a reference to the practice in the earlier days of the Republic is likely to be as instructive as any attention bestowed on that which is in vogue in these latter days. Here is the list:

Alabama.—In this State the Convention framed and ordained the State Constitution in 1819, without submitting it to the people.

Arkansas.—The same is true of the Constitution of Arkansas, ordained in 1836.

Connecticut.—Amended Constitution adopted in 1818. No popular ratification.

Delaware.—Amended Constitution adopted in 1831. No popular ratification.

Illinois.—Constitution ordained in 1818. No popular ratification.

Indiana.—Constitution ordained in 1816. No popular ratification.

Kentucky.—Original Constitution in 1790; second Constitution in 1799; new Constitution in 1850. No popular ratification.

Louisiana.—Constitution ordained in 1812. No popular ratification. But an amended Constitution for Louisiana, proposed in 1845, was submitted to and ratified by the popular vote; and this was again done in 1852.

Maine.—Constitution ordained in 1819. No ratification.

Mississippi.—Constitution framed and ordained by Convention in 1817. An amended Constitution was framed and ordained by Convention in 1832. In neither case was there a submission of the work of the Convention to the people.

Missouri.—Constitution framed and ordained in 1820. No popular ratification.

New Jersey.—Amended Constitution ordained in 1844. Neither this instrument nor that which it replaced was submitted to or ratified by the people.

Ohio.—Original Constitution ordained in 1803; new Constitution in 1851. No ratification by the people in either case.

Pennsylvania.—Original Constitution adopted in 1790; amended in 1838. No popular ratification in either case.

Then come these other cases:

Georgia—Adopted its Constitution in 1798. No popular ratification. I find no Constitution adopted as a whole in that State since that day.

Vermont—Adopted a Constitution in 1777; and an amended Constitution in 1793. No popular ratification in either case.

On the other hand,

Tennessee adopted a Constitution in 1796, without popular ratification. An amended Constitution in 1836 was submitted to the ratification of the people; and *Michigan* in 1836; *Florida* in 1845; *Texas* in 1845; *Iowa* in 1846; *California* in 1850; *Virginia* in 1830 (amended Constitution); *North Carolina* in 1835 (amended), and *Wisconsin*—all submitted their Constitutions to popular ratification.

So much for *precedents* on this interesting subject. The *exceptions* are altogether more numerous and authoritative than the instances adduced to establish the supposed *rule*.

Mr. WRIGHT. I do not desire to dispute the historical accuracy of any gentleman, and I suppose I cannot object to the evident satisfaction which my statement has given to my colleague, (Mr. Gantt,) or to the industry and zeal with which that gentleman has sought to refute my statement. I, of course, did not make that statement with mathematical accuracy. I was called to speak at a moment when I did not dream I was going to speak; but yet, I say, it gives me much pleasure to know that any want of mathematical accuracy in my argument shall have contributed in the slightest degree to the pleasure of my colleague.

Mr. GANTT. One moment, Mr. President. I really do not think there is any occasion for a remark of that kind. I do not think I showed any exultation in stating these facts, and I do not think I exhibited any pleasure in endeavoring to show that the gentleman's premises were not correct. I do not think the gentleman is justified in saying there was any exultation on my part in my endeavor to test the accuracy of his argument; all that I wished to do was to shake his argument by disproving his *facts*.

Mr. WRIGHT. Be it so, sir. But Mr. President, this body will perceive that that argument rested for its force, not upon the mere ground of precedent, but was based upon the primal and fundamental principles of our government. For, you perceive, notwithstanding the decision of the judges of Massachusetts, that I hold to the opinion that that decision is wrong, and I likewise do not concur with the opinion delivered by the Supreme Court of South Carolina, in which both Courts concur in the belief that the Convention cannot go outside the call. I knew of those decisions, Mr. President, and I might have said, here are two decisions, one of the Supreme Court of South Carolina, and the other an opinion of the Supreme Court of Massachusetts, both declaring that the Convention has not the power to go outside the call; but I did not agree with either of these tribunals. Sir, I make up my opinion in regard to this question from the nature of our government itself—from the source of all its authority. I begin at the bot-

tom of the building, at the corner stone, and I say the people being the source of power, they ought, and their agents ought, always to treat them as having absolute authority to determine what shall be the organic law under which they and their posterity shall live. Precedent could only be auxiliary, and decisions of Courts could only go to fortify my opinion in this respect. The decisions of the Courts named, although against the power, nevertheless strengthen my argument. But I do not rely upon the decisions of Courts. I did not invoke the decision of Massachusetts' Judges to show that you have not the authority to act in the premises. I did not invoke the authority of South Carolina, because I am of the opinion, from the very nature of our Government, that there is no limitation upon our authority but the Constitution of the United States, and that we can submit any proposition, or pass any ordinance that we may think proper, or change the fundamental character of our Constitution, although the Legislature did not carve out such work for us, nor the people, when they voted. This scope of action may be wider than the call, but the efficacy must at last depend upon the vital breath which the people shall give it. And it ought to be so; for this principle makes the beauty of our institutions, which we are about to mar or destroy. If there be one thing in republican government which is worth anything—one principle which is sacred—it is that the people shall render their verdict upon the fundamental law which is to be their will and testament. This is the power that brings into living existence our institutions.

I know my respected colleague, Judge Gamble, for whose opinions I entertain the highest respect, and whose arguments would convince me, if I was in error—a man to whom I greatly defer—is equally as clear in favor of the power as I am against it. What is his argument? He says, first, the Federal Constitution was not submitted to the people; but, I ask, was the Federal Constitution brought into existence by the Convention that made it? Did the Convention that framed the Federal Constitution give it the force of law? You know it did not. But there must be some mode of ratification. The Constitution itself was made and presented as a project, to the Convention, and they submitted it to State Conventions in each State, and the people who sent delegates to those Conventions knew beforehand what they were doing; that they were simply electing delegates to ratify this Constitution. After the Federal Constitution was framed, the question arose in the minds of the people of each State, shall we let that glorious instrument fall, or shall we breathe into it the breath of life? Shall we elect men who will vote for or against this project?

Now, sir, I have conceded a power in this Convention to enter upon a project and submit it to the people, outside of the call; but I must draw the attention of this body, for a few moments, to the remarkable construction which has been put upon this call. I never was more amazed than by the statements which some gentlemen have made in regard to this call. The call itself provides that the Convention, after meeting, shall consider the existing relations between the Government of the United States, and what? Why, the State of Missouri. But that is not all. They must consider the relations existing between the Government of the United States and the Government and people of Missouri. They must consider the relations existing between the people and Governments of the different States and the State of Missouri. And why? Because, at that period of time—and I wish the gentleman from Green (Mr. Orr) to notice it—at that period of time it required a bold man to rise and declare that the Federal Government had ever wronged any man. It was my pride and pleasure, when we met before, to declare that this Federal Government had never yet wronged any man, but on the contrary had benefited every body. But yet there were some people who thought that an inquiry should be made into the relations which the Federal Government sustained toward the State of Missouri. It was not to institute an inquiry into the relations which individuals sustained toward the Government. Such an idea is an absurdity upon the face of it, and I am astonished that any gentleman should wander so far as to suppose that this call required an examination of the relations which this Government, or the Legislature, or the Judiciary of the State sustained to the people of this State, or the relations in which any other officer of this State stood to the people of this State. Who wanted any such inquiry as that? It was out of the scope of any man's ideas, secessionist or otherwise, who was engaged in this Hall in framing this call; and this becomes the more manifest in looking at the tenth section. After they have authorized us to inquire into the relations existing between the Government of the United States and the

people and Governments of the different States, and the Government and people of the State of Missouri, and to make an investigation of such matters and adopt such measures as will tend to vindicate the sovereignty of the State; and (if it should be necessary) to adopt any ordinance, or decree a measure of any kind that might dissolve our relations to the Federal Government, or might change or alter our relations to our sister States, or either of them, it was rendered necessary, in such a case, by the tenth section, to submit the work to the people, so that the work covers, by its mandate, the whole circle provided for in the fifth section.

But, now, my clear, candid and discriminating colleague, (Judge Gamble,) the law of whose nature is fairness as well as ability, says that under the call nothing could have been done affirmatively but to pass an ordinance of secession. Now, it is strange that Judge Gamble should assume such a position. I thought we were to inquire in the relations existing between us and our sister States. They were then relations, so far as we were concerned, of entire comity and good neighborhood—relations of social intercourse, of brotherhood and sisterhood, and characterized by all the affection which should bind States together. We were to look into the matter and see if these relations had been violated, or these principles of comity threatened, and if so, pass retaliatory measures, and to restrict the comity, and make reprisals in all forms which the States are authorized to do under the limits of the Constitution. Take the State of Arkansas, which it is said is now going to make war upon us. Can we not look into the relations which we sustain to that State, and destroy the comity which has heretofore existed? Can we not take these steps in regard to Arkansas or Illinois? And if so, does not the tenth section demand that whatever we do concerning that matter shall be submitted to the people for ratification? Let us examine this tenth section:

"No act, ordinance, or resolution, of said Convention shall be deemed to be valid to change or dissolve the political relations of this State to the Government of the United States, or any other State, until a majority of the qualified voters of this State, voting upon the question, shall ratify the same."

Now, sir, whatever may have been the design of the author, this is as lucid a statute as was ever penned, and it shows clearly the design of the call, and that the action to be taken thereon all comes within the same radius.

I think, therefore, that I have shown conclusively that my distinguished colleague was in error in declaring that the only power under this call was to pass an ordinance of secession. I have shown that the call embraced an inquiry into the relations which we sustain to the General Government, and to different States, and that we could act in reference thereto and submit our action to the people without passing an ordinance of secession.

Mr. GAMBLE. Do I understand the gentlemen to say that I maintained that all the Convention could do was to pass an ordinance of secession? If so, he was mistaken. I said that was the only thing we were bound to *submit* under the call, but that we could do everything to sustain the Union without any submission.

Mr. WRIGHT. I have tried to show that the fifth section calls us together, to consider the relations between this State and the Federal Government; and not to stop there, but to consider the relations existing between this State and the sister States, and then, if upon consideration it was deemed necessary that they should adopt any measure to vindicate the sovereignty of the State, or its institutions, they could adopt those measures; and when they had adopted them, any ordinance, or resolution, which changed the relations of the State to the Federal Government, or changed the relations in which we then stood to our sister States, in either case we were bound to present to them our project, and let them ratify it or reject it.

You see my proposition is that the tenth section covers entirely the circle of the call, and where there is affirmative action, in either case, it must receive the ratification of the people, and from that I deduce this conclusion: That as, in regard to matters submitted to us, the people demanded our action should be submitted back to them at the polls; it follows, *a fortiori*, that the action which we were not called upon to make should also be submitted. That argument I have not heard answered.

Judge Gamble says he has always been in a minority, because of not submitting to the people, and I tell him he will always be; and all other gentlemen, who do not consult the people upon a matter so grave as this, will find themselves in a minority, too. I know an old Whig, educated as my friend has been, looks with distrust upon the broad and massive ac-

tion of our people. But though a Whig, I have delighted to recognize the people upon all questions, especially so important as fundamental law. I think they ought to make it themselves. They may have scriveners, and we are the scriveners, but they ought to sign, seal and publish it as their last will. I think that is the fundamental principle of our republican government, and upon that I rely to support me in my proposition, that we have not the power to do the thing which this Committee proposes.

Sir, I have a few words to say to some of the gentlemen who have honored me with their attention. The gentleman from Green, (Mr. Orr,) was delighted at what he chooses to call my eloquence, when we last met in Convention. Is there no difference between then and now? At that period of time Lincoln had been elevated into power, and what had he done? He had published an inaugural while we were in session, and there were men who were disposed to look kindly upon him, and to say "it is a peace message." But others, who understood him better, said "it is a war message;" and it was proposed to enter into a discussion, on the suggestion of the gentleman from Clinton, (Mr. Birch,) to inquire what he did mean. All said if he means war, we are lost; we are undone; the Union is gone and there is no hope of reconstruction, and we told him so, and said so to the people of the South. We did not say, if war is begun by this side the Union can live, or if begun by the other side the Union can live; but we said, war will destroy the Union beyond the patriot's hope of resurrection. Where are we now? When I saw that proclamation of Lincoln, and especially when I saw the instructions given to Mr. Dayton, the Minister who was to talk with Thouvenel, who sits at the foot of the throne of France, my heart sank within me, for I saw that war was intended by the man who had been lifted into power, and I knew that would deluge the land; that the streams of this country would be reddened with fraternal blood; that hamlets would be made to smoke by the incendiary's torch; that father would be arrayed against son in the battle field, and that all the glorious, lofty and hallowed bonds which had united us together would be sundered. But that was not the worst. Thus far in the history of our Government, the military power had felt itself subservient to the civil authority, within the meaning of the provision in the bill of rights, which requires that the military, in the worst times, ever and at all times, shall be subservient to the civil authority. In war the Executive may use military power—but not unless the civil authority grant it—and never more than is granted by it. The President cannot use one soldier—one seaman—one ship—one dollar, not given to him by the civil power, resident in Congress. The framers of the Constitution said to the President—you shall not raise an army—you shall not create a navy. If a regiment raised for you by the Congress shall become thinned by casualties—you may recruit, to supply the vacancies—but not one man beyond—you shall make no new regiment. From necessity, we give you the sword, but Congress shall determine the length and the breadth of it; and when it shall be drawn. We are jealous of that sword. We remember how Cæsar passed the Rubicon, and we know how liberties have been destroyed by the Executive power which holds the sword in one hand and the purse in the other; and so we are determined that we will declare when you shall use it. Now, what do you see? One man has raised armies for three years. He has increased the regular army and increased the navy. He sat at Washington without any civil authority, without any Congress, and he has raised two or three hundred thousand men and taken money from the Treasury and armed them. All this has he done without any appropriation or authority from the civil power, and the men have gone forth to fight the battles. And, sir, what power has he not seized upon to promote his designs? He has seized upon the moneyed and commercial power, and upon the judiciary, until he has got about as much power as Cæsar or Napoleon ever had or wanted.

And the gentleman over the way (Mr. McFerran) says it is said that Lincoln has violated the Constitution; if so, he is sorry for it. I do not learn, however, from the distinguished gentleman from Green, that he admits that Lincoln has violated the Constitution at all. Both gentlemen are jurists, yet neither can venture an opinion whether Lincoln has broken the charter of our liberties! The former gentleman, indeed, suggested that *if* Lincoln has violated the Constitution it would be prudent and wise not to speak of it, lest the people might be excited! Sir, here is the case of a President who has made a wholesale seizure of the powers confided to other departments of the Government. He has seized the Tri-

dent of Neptune — wrested the thunderbolt from the hands of Jove, and, aided by Mars, has made captive every mythologic God, save one—he spared Minerva and her owl, because she is the Goddess of Wisdom, and would be in his way, and yet his flagrant usurpations extort no syllable of rebuke from the lips of either of the gentlemen! Sir, I am an American born citizen; I love the principles of the Constitution under which I have been reared a freeman; I revere them, and must I sit still in silence when that Constitution, the work of our fathers, is trampled in the dust? Must I follow the admonition of the gentleman (Judge McFerran—"hush!" don't speak! you might excite somebody!—don't speak, it is hardly a time to excite the people! "Hush!" be still, as when in the chamber of death you wrap the winding sheet around the corpse—be mute as at the burial when you see the earth closing slowly on the coffin.

And yet you distrust my loyalty to the Constitution of the United States. Sir, I shed more bitter tears when I knew this Union was gone—lost forever—I shed more bitter tears than when I buried seventeen of my children. I felt then like a father—I grieved like a father, but I knew God, the Father of all, had taken them. But who can furnish solace when we see the shroud put upon the dead body of the Constitution?

The gentleman says we will draw the sword from its scabbard and repress this rebellion. One gentleman says it is a small affair. It is a very small affair. It only takes 500,000 soldiers and $600,000,000! We started with 200,000 and have you seen the result thus far? The gentleman from Green, it seems to me, (and I mean nothing unkind) is tremendously engaged in trying to stop a sluice that comes out of a town pump, while he is insensible to the wrath of Niagara's cataract. He is greatly moved to set up a cock-boat made by a boy which a zephyr has capsized in a spring branch, but he cannot see Old Ironsides—the Constitution—with every mast gone by the board—perforated between wind and water—rolling on her beam-ends in the trough of the sea; or if he sees, the spectacle excites him not! While he is attending to a little ripple of individual calamity here, he is insensible to the great wave of national turmoil which is coming on and sweeping every thing before it. I do not mean to say the gentleman does not pursue a course meant to be patriotic; but does any man in this body suppose that we are going to get along upon any such principle as he set forth? I wish I could invoke the spirit of Napoleon Bonaparte, that he might teach the military critics upon this floor, and through them the people of the North, the vast magnitude of that work of destruction which they think so easy! Sir, the martial shadow will not come at my call. Let me remind you, then, of the words uttered by this great military captain, while a prisoner at St. Helena: "No free people can ever be conquered. History has furnished no such example—never will. I subjugated continental Europe—my flag floated above all their capitols. I dictated terms—made empire after empire; but there was a small island—England—I could not conquer, *because its people are free.*" I believe those gentlemen down South will fight as a nation and fight to the last; yet I think it is a most unfortunate fight. They were wrong to fight. The family ought not to have been broken up. But I must treat these things practically, as they are; and I know we can not get along upon the idea that we can take off the head of every traitor, for they will take off as many heads as we. Then what are you going to do? Oh, but says the gentleman from Green, we must have a Government. But what sort of a Government? If I cannot have a Government on the principles of freedom, I do not want it at all; if I wanted to live under the principles of military despotism, I would go to France, where, if I could not get liberty, I could get a share of glory, and have my personal rights secured; or I would go England, where the King and nobility would not hurt me much. If I wanted to speak, England would give me protection. If I wanted to print, she would not take my types or suppress my paper, no matter what I might say about the king. Sir, when the government of England was at war with the Colonies, just look at the treason of two men, uttered within hearing of the throne. First, Burke said to Lord North, "I will not vote for a dollar to carry on that outrageous war; you cannot conquer that people, and especially the Southern people who own slaves, from the very fact that slavery makes liberty invincible." Chatham said, "If America falls she will fall like the strong man, and tear down the pillars of the Constitution with her!" And again he thundered—"If I were an American as I am an Englishman, I would never lay down my arms, while the foot of a foreign soldier desecrated the soil of my country. Never! never!"

Mr. President: these words, tolerated by British freedom, when spoken in the face of the Ministry, and in ear-shot of George the Third, would be held treason at Washington —and, it may be, in this Hall. Let me see, sir, if any of the *Committee of Safety* are about.

Here Mr. Wright looked over the Convention, and pointing to the seats occupied by Mr. Broadhead and Mr. How, said—"Yes, Mr. President, I see two of them."

Mr. Broadhead. Yes, I am one of them.

Mr. Wright. Well, then, I have two kind friends here, and I trust they will treat me kindly, for they have power over me. My liberty is in their hands. They can come from St. Louis, where they can consult with military authorities, instantly change their places, and take a seat in this Convention and dictate its policy, and then confer with the *de facto* Governor who has seized the capitol, and the treasury, and the Governor's mansion, and who has appointed civil officers in a country not conquered, but loyal to the Union and in the midst of it.

Now, my distinguished friend from Clay, (Col. Doniphan,) who, I believe, established a civil government when he conquered Mexico —for, by the military power in this country, men can, sometimes, establish a civil power, although it is the duty of the Government to put the military power under the civil rule—would not, I expect, if he was an officer in this case, undertake to appoint a civil officer in the State of Missouri; for I reckon he knows too well the nature of our Government to commit such an act as that. I expect he is too much of a Union man—I mean a Union man under the Constitution—to do a thing like that.

My distinguished colleague last up, conferred a great service upon me, a few days ago, by inviting a distinguished gentleman (Mr. Phelps) to address this body—a gentleman who, for the first time, to my own knowledge, showed that these Home Guards were nothing but an illegal mob—that a war was being made upon the State by an illegal mob; and, according to his own statements, some of the best men we have were connected with it. The confession now is that it was voluntary but illegal.

We have come to this, then, that men can rise up and form voluntary and illegal organizations, that will not permit citizens to hold arms, and will take from us those that we have, even if they have to capture them by such a military exploit as the one to which you have listened to-day.

Mr. Stewart. I believe there was a few captured in Clay county.

Mr. Wright. The gentleman from Green is grieved that I said I had no hope. I do not want to extinguish it in his heart, and much less in that of the young gentleman on my left, (Mr. Woolfolk,) for youth lives under the influence of hope, while age acts and lives under the influence of disappointment. I look upon the Government at Washington as having violated all the principles of the Constitution. Oh, they say they are not going to subjugate a State, for of course that would be very wrong; but they are going to destroy every man, woman and child in those States, and have their heads cut off; but it is not designed to subjugate a State, because that would be unconstitutional! I despise the subterfuge masked in those words, for it is unworthy of statesmen. I admire the honesty of Baker, when he says: "Yes, subjugate them, and turn them into military provinces!" There were one or two things said by Mr. Seward which made my heart yearn toward that man; but I believe he was overruled by a reckless and fanatical administration, backed by the people of the North. And let me tell the gentleman from Green, that it is just such men as he, who extinguish all hope; for when the people of the North see the people of the slaveholding States raising that war-cry, they catch courage and become every day more and more despotic. My hope is extinguished because it is rightfully dead; because we all said, if the war comes the Union is gone. And now we have a war as gigantic as that under which Napoleon started out for Moscow. Can any man have hope when he sees men in Congress declaring that they can starve out the people of fifteen States, who live in a country richer and more agricultural than all Europe, blessed with a good soil, and two crops in a cereal, and four millions of operatives to work, while the white men fight. Yet here we have got a microscopic Administration in its views, but a giant in its vulgar physical strength, that is attempting to stop the ports and starve out fifteen States. I do not know of but one thing more absurd—and it is a competition—it was the idea that Jackson could have a secret session of the Legislature, with thirteen Black Republicans in it. A secret session of the Legislature, and Lincoln starving out fifteen States by a blockade! Why don't you tell him to lift up his blockade, for the blow that

is meant for others, only recoils and strikes us. You feel it, and you see it in your impoverished resources, in your lack of enterprise. Ruin and bankruptcy stare us in the face, by reason of this great agency of blockade. Why, sir, they are burning corn in Illinois, as being cheaper than wood. They say it is cheaper, because they do not have to haul it so far. Cannot men realize the absurdity of this thing? "Oh, but we must have a Government, and kill all the traitors," says the gentleman from Green.

Mr. President, I was reading a little, not long ago, from the drama of the Greeks, and I make use of an incident taken from the history of that people, to illustrate the hopelessness of our present condition. Iphigenia was offered up by her father, as a propitiation to the Gods, before they started out to take Troy. Orestes, the brother of the victim, slays the father in revenge of the deed. He is a prisoner in the Temple of the Pythoness, watched and guarded by the Furies. They fall asleep, and the prisoner makes his escape. On waking they miss him, and howling on his pathway, they follow the refugee as he flees to Athens. Reaching the Hill of Mars—the guilty Orestes clasps the statue of Pallas—and at once the Furies cease to howl—for the refugee is safe. The passions, represented by the Furies, were ever mute, in the presence of Wisdom. In the Amphyctionic Council, called to decide the fate of the culprit, no Fury dare enter. This is the beautiful lesson taught us by the Greeks, but it is a lesson which a Republican administration, and its supporters on this floor, will never understand.

Sir, in the Capitol at Washington, in the archives of this nation, there is to be seen an embodiment of wisdom, more profound than the cunning of the sculptor or lapidary ever personified in the statue of Pallas; it is the work of our fathers—it is the Constitution of the United States. But unhappily—if any man embrace it—'tis a signal in this Hall and out of it—for the Furies to tear him in pieces! The guilty Greek was safe from ruffian hands if he but touched the form of Minerva—but the patriot here is in double peril who throws his arms around the Constitution of his country. The new and false God, set up in its place, is a "Government," "my Government," "our Government," a vague abstract, undefinable something, representing Power! Power, without limitations—Power without check—Power which exacts a questionless devotion. I tell the gentleman from Green, for this among other reasons, I have no hope. I cannot worship this new God, unknown to our fathers: and I will not place myself in the condition of those devotees, who, sitting on the fallen pillar, or broken arch, of a ruined temple, continue to worship as if the temple were not overthrown and the God departed.

Let us say something and do something. Let us say to this Administration, you are warring against the principles of the Constitution, and we will not support you in that. We love the Union more than you do, and we love the Constitution more than you do, and we love it so much that we will not break it up.

But the gentleman from Johnson (Mr. Welch) urges the plea of *necessity*. What has necessity done in this world? When the guillotine got weary and clogged with human gore, at Paris, Robespierre urged this plea of necessity. When Napoleon ascended the throne, he urged the plea of necessity. When he seized Duke D'Enghien, in the neutral territory of Baden, and took his life, the plea was necessity. When England seized the navy of Denmark, without just cause of offence, she justified it on the plea of necessity; and when England sent Napoleon to St. Helena, the crowned heads of Europe echoed the word *necessity*. Despots sit on their thrones—by *necessity*; and as the thought flashes from diadem to diadem we gather the full meaning and terror of that word—*necessity*! Our forefathers said the Constitution is strong enough to live without any such plea; and if you find it necessary to urge that plea, you will only assume the ground that has been occupied by all usurpers heretofore.

Mr. McFerran. I had intended not to address the Convention on the proposition now before it, but the remarks of the gentleman from St. Louis, (Mr. Wright,) who has just taken his seat, make it necessary that I should notice them. Some days since I submitted some remarks to the Convention to the effect, that the Convention having no power to try President Lincoln for supposed violations of the Constitution of the United States, that power being in Congress by impeachment and the people at the polls, when they come to choose his successor at the proper time; and the standard of rebellion having been raised in the State, no good purpose could be subserved by inflammatory charges of this character, the only legiti-

mate effect of which was to incite our people to rebellion against the Federal Government.

This will sufficiently explain my position from any improper impressions created by the remarks of the gentleman.

While I am on the floor, I deem it proper to say a few words more. The situation of our State at this time is anomalous. We find two great powers, authorized by the Constitution and laws of the State, in conflict. We find the Executive and Legislature are on one side, and the Convention on the other. The Executive and Legislative departments of the State Government have inaugurated a rebellion for the purpose of changing the relation of the State to the Federal Government. The Convention almost unanimously have decided against the change of relation and the object of the action of the Executive and Legislature.

The scope and action, proposed by the Committee, under consideration, is to call upon the people of the State, the only common arbiter between these contending and conflicting authorities in the State, to decide whether they will have the action of the Governor and Legislature, or the action of the Convention, and their decision ought to be final. If the people say to the Convention, well done, good and faithful servants, by endorsing their actions at the polls, all good citizens will acquiesce in the decision.

If, however, the people decide against the action of the Convention, and by implication in favor of the rebellion existing in the State, it will thereby be demonstrated that the difficulties in this State cannot be settled by the acts of peace, the intelligence and moral sense of the people, but will then depend upon the arbitrament. The only issue, therefore, between members on this floor, is (the question of power ignored) will we have the rebellion already inaugurated by the Executive and Legislature, or will we appeal to the intelligence and moral sense of the people once more to decide in favor of the action of the Convention, and against the rebellion, thus wooing gentle peace once more to our borders? Those who oppose the proposed action, occupy the position of preferring rebellion and war under the color of Legislative and Executive authority, to a decision by the people which may restore peace and prosperity to the State.

The debate has been conducted as though the action of the Convention was not to be submitted to the people for ratification, when the fact is that the ordinance expressly provides for submission of the entire action of the Convention to the people for their ratification or rejection. It is therefore of no importance whether the Convention has the power to amend the Constitution without submission to the people, because not a practical question; hence, much that has been said upon that subject is of no practical application to the action of this Convention.

Mr. Orr. I have no disposition to enter into any argument at all. I wish it to be understood, however, by the Convention, that the gentleman from St. Louis (Mr. Wright) either did not understand me, or I did not understand myself. I understood the gentleman from St. Louis, in his remarks, to state that the gentleman from Green, (and he seems to have directed a good deal of his battery to the gentleman from Green,) had declared that he did not know that Lincoln had violated the Constitution. I declare before God and this Assembly to-day that I do not know it. Mr. Lincoln and his advisers pretend to find a law of Congress under which he is authorized to act. I have never seen that law, but I do hope that no one came to the same conclusion which the gentleman from St Louis did, that I was in favor of a violation of the Constitution of my country; for I declare most emphatically that I am in favor of *the Union, the Constitution, and the enforcement of the laws;* and if Lincoln has violated the Constitution of the country, he has committed a great wrong. He stated that such action as that of the gentleman from Green, is what has caused this difficulty. What have I done? Why, the gentleman says I am for war to the knife. I think it will astonish this Convention that he should come to such a conclusion as that. In my speech upon yesterday, I tried to impress upon this body the necessity of establishing a Government in this State, in order that those misguided and unfortunate individuals who have been gulled into rebellion in this State, might be invited back home, and into loyalty to this Government, and that the hearts of their families might be gladdened. If I did not say something like that, I intended to. How the distinguished gentleman from St. Louis came to the conclusion that the gentleman from Green was for war to the knife, I cannot understand. I told him yesterday I was not an advocate of Lincoln or his Administration, but I am ready to stand by him so long as he stands by the Constitution of his country.

Why, sir, there were once two political leaders in his country—Clay of Kentucky and Jackson of Tennessee. They were always leaders of hostile parties, and as inveterate political enemies as ever lived in this country. But on a certain occasion, a famous nullifier or secessionist undertook to break up the Government, and Clay rallied to the standard of Jackson and assisted in putting down the rebellion. Was he a Democrat because of that? Not at all. He was looked upon as a patriot, but when the rebellion was put down—as this certainly will be—he assumed his original position. Because I am willing to stand by Lincoln, when he is defending the Constitution of his country, the gentleman from St. Louis will declare in his seat that such conduct is what has destroyed our country. He has said that ninety-eight members of the Convention voted that war would destroy their last hope of preserving our Union. That may be so, but I never voted such a vote, and I was there all the time. I will take it as a favor if he will show me where such a vote was cast. We *did* vote this, however, that war would destroy all hope of an amicable adjustment. And who did not know that war would destroy all hope of a peaceable settlement?

I do not believe that all hope is lost. The war may last twenty years, but it will be settled, and this will be the greatest Government on earth.

I won't allude to what the gentleman said about the Home Guards, for I am one of the Home Guards. He was glad, however, that Maj. Phelps, although he did not name the gentleman, conveyed the idea that the Home Guards were a mobocracy, or an armed mob. Suppose it is so. Was it not for the purpose of meeting another armed mob—a body of men who ignored entirely an oath of allegiance to the United States? They were compelled to make a law of necessity, and to act under it until they could do better.

Now, I think I have troubled you long enough, and I think the Convention understands me. I want no war until it is forced on me, which is now the fact; and I want the Governor that may be elected here to say to the people who have gone into this war, "Return to your loyalty, and let us dwell in peace; but if you do not do it, and intend to come back here and make war upon us, we will treat you as I once treated a snake—I killed him because I knew he would have killed me."

Mr. Broadhead. Knowing the general desire to take a vote, I did not intend to trouble the Convention; but I cannot let the remarks of my colleague pass without notice. The gentleman from Green takes the ground that we must have a government, and that all good citizens should sustain it; and the gentleman from St. Louis asks "why should we want such a government as this?" That Government is now engaged in a contest with those who would destroy it—who have trampled under foot the Constitution under which it was brought into existence—this the gentleman himself admits, for he denies the right of secession and repudiates it as unconstitutional. In this contest waged by those who have thus broken the Constitution—a war of necessity—of self-preservation—he tells us that the Government has violated the Constitution—has usurped the authority of the people—has established Home Guards throughout the State of Missouri, and, in effect, he asks us why we should want such a Government? for this is the whole tendency of his argument. Then I take it that the gentleman from St. Louis is against the Government—that he is against the Government of the United States in this contest. It has been said, and heretofore said by the gentleman himself, I believe, that the controversy going on in this State is a controversy between the United States and the Governor of Missouri. The gentleman is against the Government of the United States, and I take it he is for the Governor of Missouri; and his whole argument, let him disclaim it as much as he may, tends to show, and does show, to the mind of any reasoning man, that his sympathies, and the influence of his powerful mind and eloquent voice, are directed to the support of the Governor of this State, who, I undertake to say, has not only trampeled upon the Constitution of his own State, but the laws and Constitution of United States, which he and the gentleman from St. Louis have sworn to support. No one can find any difficulty in assigning him his true position. No one can find any difficulty in ranking him with the enemies of his country. At the last session, sir, he told us he was for the Union; now he says the Union is gone, and that he prophesied then that if war were inaugurated the Union would be destroyed; that he was unable to determine then whether President Lincoln's inaugural was a message of peace or of war, but he intimates that he has since inaugurated the war—how? Did President Lincoln

commence this war? Who fired the first gun on Fort Sumpter? Who seized upon the forts and arsenals and other property of the Government? Acts of war—acts of aggression upon the Government and upon all who are disposed to be loyal to it—outrages of the most aggravated character may be committed by those who were plotting to break up the best Government on earth, and yet no war is inaugurated until President Lincoln calls for troops to defend the insulted majesty of the Constitution, and protect the Capitol itself from invasion.

It is over a war thus inaugurated—over a Union thus broken—over a Constitution thus violated by the calling out seventy-five thousand troops for such a purpose, that the gentleman has shed more bitter tears than over the seventeen children he has consigned to the grave. Bitter tears he has shed over the calamities of his country, but he has no tears to shed over the acts of those who have brought on those calamities, by their wicked attempts to overthrow this Government—no tears to shed over plundered mints and dismantled forts and arsenals; he has no censure for the acts of Jackson in attempting to drag Missouri out of the Union against the wishes of her people, nor for the Legislature which undertook to establish a military despotism over the State to enable him and them to accomplish the same object; but the acts of a President who has undertaken to meet this rebellion with all the authority which the Constitution and the laws gave him, have opened the bitter fountains of his grief. And why should he not weep? when rebellion is to be arrested in its mad career and the strong arm of a just Government is raised to strike it to the earth; for no one can be at a loss where to assign the gentleman his position.

The gentleman has seen fit to attack the organization of the Home Guards; he denounces the act as unconstitutional, and the organization as an illegal mob. I have a word to say in reference to that matter. The only difference between the Home Guards and the volunteer militia enlisted in the service of the United States, is that the Home Guards, by the terms of their enlistment, are not required to go beyond certain limits; they are like the rest of the militia sworn into the service of the Government, and are subject to the rules and articles of war. The Constitution authorizes Congress "to provide for calling forth the militia to suppress insurrection and repel invasion." Congress has by the act of 1795 authorized the President of the United States to call out the militia of the States for that purpose. They are to be called out under circumstances which may seem sufficient for the President. He must be the judge of the circumstances which will justify him in making the call. This is the sense of the act, and this is the judgment of the courts. The act of Congress places no limit upon his discretion in this respect, except that they are to be called out for a limited time, and in cases where, in case of insurrection, the combinations are too powerful to be suppressed by the civil authorities; but as to whether they are too powerful or not, he is to be the judge, for the act does not authorize any one else to judge for him. Will the gentleman deny that there has been an insurrection—an attempt to overthrow the Government? If so, the case has arisen which authorizes the President to call out the militia. When so called out, he is their "Commander-in-chief," for so the Constitution declares. They then become a part of the army and may be taken anywhere that the public exigencies may require; and if they may be taken anywhere, I take it that they may be told that they will not be taken beyond certain limits; that their services will be required only in certain localities, and they may be enlisted with that understanding. And this is the organization of the Home Guards; they are subject to the authority of proper officers of the army—subject to the rules and articles of war, and as much a part of the militia called into the service of the Government as any of the regiments mustered in during the war. They were not required to be taken out of the State, because the circumstances showed that their efforts and services were needed more here than elsewhere. Had it not been for the organization of these Home Guards in the city of St. Louis, the gentleman from St. Louis, and just such men as he, would have involved us in a civil war far worse than that which has prevailed in the State. They were organized to put down insurrection in our own State, and to protect loyal men—Union men, of whom I do not count the gentleman as one, because his remarks here have shown that he is leagued with the conspirators against the peace of the country. I place him alongside of the Catalines who have beeen plotting the overthrow of the Government—with those who have Union on their lips and lurking treason in their hearts, and it was to defend the Union men of St.

Louis against the machinations of just such men that the patriotic Guards of St. Louis were organized. And here it is but just that I should speak a word of commendation in behalf of the foreign-born citizens, of whom these Home Guards were largely composed. They are men who have proved themselves to be loyal. They have shown that they are ready, even with their lives, to bear true allegiance to the Government under whose protecting institutions they have prospered. They have shown thus far more loyalty to the country and the Constitution than many of those who from boyhood have reaped its blessings. The liberties of the people, the gentleman says, have always been destroyed by the sword. True, when they have been destroyed; but it is equally true that the liberties of the people have in times past been preserved by the sword, and it was for this purpose that the sword was put into the hands of these men. Had they not been threatened with expatriation? Does not the gentleman know that threats had been made to drive Union men out of the State? It was threatened in St. Louis, and from all parts of the State Union men came to St. Louis who had been driven from their homes by those who were plotting with and aiding the Executive of the State to take Missouri out of the Union.

The gentleman says that, rather than live under such a Government as ours, he would go to England or to France. Why does he not go to the Southern Confederacy, of whose cause he is the advocate? Why not seek protection under that flag from the tyranny of Lincoln's Administration? Surely there he would find liberty; there he would find a reverential regard for the Constitution and the doctrines of Republican freedom; there he would be freed from the rule of military despotism! Why then remain in a State that is yet in the Union, using all the efforts of his mighty intellect—all the privileges which that Union gives him to break down the Government and to destroy that Union?

One word, Mr. President, in regard to the powers of this Convention. I take the same ground with Judge Gamble, that this Convention is not confined in its action to the provisions of the law, but that it may go beyond them, for the simple reason, if there were no other, that the law itself, while it points out the particular object of the call of the Convention, does not restrict its action to the provisions of the call. But admitting that the Convention is confined to the terms of the act, still they are broad enough to justify the action proposed by the Committee. My colleague (Mr. Wright) is clearly mistaken when he says that the tenth section covers entirely the circle of the call. The tenth section provides: "That no act, ordinance or resolution of said Convention shall be deemed to be valid to change or dissolve the political relations of this State to the Government of the United States, or any other State, until a majority of the qualified voters of the State, voting upon the question, shall ratify the same." Nothing, then, is required to be submitted, except such action as may tend to change or dissolve the relations of the State to the General Government, or any other State. But, surely, the Convention may do more than change or dissolve those relations—the relations spoken of meant, of course, the then existing relations. Suppose those relations have been dissolved or broken—suppose Governor Jackson and his Legislature have changed or undertaken to change those relations, without submitting the matter to a vote of the people, may we not, in the language of the report of the Committee, re-establish those relations—put the State back just where it was before those relations were broken? And would that be changing or dissolving the relations between the State and the General Government existing at the time of the passage of the act? If not, then the action of the Convention in that respect does not come within the purview of the tenth section and need not be submitted to the people.

But what is the circle of the call spoken of by the gentleman, that is contained in the fifth section, which reads as follows: "The delegates elected under the provisions of this act shall assemble at Jefferson City, on Thursday, the 28th day of February, 1861, and organize themselves into a Convention, by the election of a President, and such other officers as they may deem necessary; and shall proceed to consider the then existing relations between the Government of the United States, the people and Governments of different States, and the Government and the people of the State of Missouri; and to adopt such measures for vindicating the sovereignty of the State, and the protection of its institutions, as shall appear to them to be demanded." Thus you see that not only may the Convention consider those existing relations, but may adopt such measures for vindicating the sovereignty of the State, and the protection of its institutions,

as shall appear to them to be demanded. The circle of the call, then, is much broader than the provisions of the tenth section, for the Convention may act upon and adopt whatever measures may be deemed necessary for vindicating the sovereignty of the State and the protection of its institutions, and certainly this may embrace measures having no tendency to dissolve or change the relations of Missouri to the United States, or to any one of the States; it may be to re-establish such relations already destroyed; or it may be to re-organize the shattered fabric of our State Government; or to change the State Constitution in some particulars, deemed necessary for the protection of our institutions. These are all matters which the act does not require to be submitted to a vote, but rather leaves the strong inference that they need not be submitted. A power is given to the Convention we will say to do two things; if one thing is done, it shall not be considered binding until submitted to a vote of the people; but the very power to do the other thing without such submission gives it full validity from the time it is done, else the power to do it is a nullity. This is a fair and reasonable rule of construction.

That the people are the source of all political power and that they alone can change their fundamental law, I admit. But how do the people in America uniformly act? They do not and generally cannot make Constitutions in mass meetings. If we look through the political history of our country, it will be seen that the people always act through Conventions of delegates chosen by themselves; they appoint agents and those agents act for them, and in but few instances has it been thought necessary that the acts of the agents should be afterwards confirmed by them. They are the exceptions to the rule.

Mr. Noell. Mr. President, before the vote is taken I call for a division of the first proposition. I do not do it for the purpose of being contrary, but, sir, I came here with the determination that I would do nothing but what was absolutely necessary under the circumstances. The questions that are before us now were not discussed before the people last winter, and not having been so discussed, I do not feel free to go into legislation *ad libitum*. We have no Governor, Lieutenant Governor, nor Secretary of State, without which officers the machinery of government cannot go on; therefore, sir, I am willing to vote for the main proposition, so far as those officers are concerned; but as to the General Assembly, with all due deference to the opinions of gentlemen who have argued the point, I think the case is different. It seems to me that with a proper Executive and the indirect condemnation that that General Assembly is sure to receive from the people, they will not do us further injury. I know that they have passed laws that are considered unconstitutional and oppressive, but it seems to me that the people have a remedy in the Supreme Court, and although they deserve the condemnation of the people, and will doubtless receive it, I do not feel disposed to disturb them. I therefore call for a division of the main proposition, so that the vote on vacating the offices of Governor, Lieutenant Governor and Secretary of State, will be separated from that of the General Assembly.

Mr. Turner. I move the previous question.

Motion sustained.

The vote was then taken, and the following gentlemen explained their votes:

Mr. Long. Mr. President—A few words in explanation of my vote. From the time of the first intimation in the public journals that an effort would be made in Convention to re-organize our State Government, down to the meeting of this body, I had many misgivings as to the *constitutional right*, vested in the Convention to depose the Chief Executive and other officers of the State, who were circumstantially reported to have been in open rebellion against the General Government, and hence in a hostile attitude to the institutions, the peace and quiet of this State, whose Constitution and laws they had sworn to honestly administer, guard and support. And, sir, they spring not so much from timidity, as from an honest wish to do right. I could not arrogate to myself a full knowledge of the powers of this Convention, I would not vote upon so important a matter in the dark—for I looked upon this as of vital consequence to the people of my county and of the State; that it was not an ordinary game of cards, where a party had the privilege of *going it blind*, but rather as a closely contested *chess game*, in which a single false move might produce a fatal *checkmate*.

Unsatisfied as my mind was upon this sole question of *legality*, I sought information. I made inquiries of several learned gentlemen, distinguished for their legal abilities—gentlemen who had made the Constitution and laws the study of their lives, and whose opinions were entitled to the highest respect, and of

those, too, who had no connexion with this body —each and all of whom were clearly of the opinion that this Convention *was vested* with *full powers*, if they deemed it necessary, to *re-organize the whole State Government and its officers*. Thus making myself fortified in the constitutional right, there were left the questions of *necessity, policy* and expediency. The first evidently exists; the policy of the course to be pursued as submitted by the committee in their report is not quite so clear to my mind; the expediency of *some* such plan to adjust the difficulties now surrounding us is self evident. But, sir, however highly I respect my own opinions, I cast them aside, trample them under foot, if convinced they are detrimental to the interest of the people and the good of the country.

The report, in its details, does not meet my entire approbation; but I am satisfied it is the best to be had under all attendant circumstances; therefore I shall feel justified, and believe my constituents will sustain me, when I give a firm support to all the propositions reported by the Committee. I vote aye.

Mr. Sol. Smith. I vote in the affirmative, feeling well assured that, in doing so, I am voting for the protection and preservation of our institutions, and for the restoration of peace, law and order in Missouri.

The vote to abolish the offices of Governor, Lieutenant Governor, and Secretary of State, was as follows: Ayes, 56; noes, 25.

The vote was then taken on the second proposition to abolish the State Legislature, and was as follows:

Ayes—Messrs. Allen, Birch, Bogy, Breckinridge, Broadhead, Bridge, Bush, Collier, Douglass, Eitzen, Foster, Gamble, Gantt, Gravelly, Hall of Buchanan, Hall of Randolph, Henderson, Hendrick, Hitchcock, Holmes, How, Irwin, Isbell, Jackson, Jamison, Johnson, Leeper, Linton, Long, Marvin, Maupin, McClurg, McCormack, McDowell, McFerran, Meyer, Morrow, Orr, Phillips, Rowland, Scott, Shackelford of St. Louis, Smith of Linn, Smith of St. Louis, Stewart, Tindall, Turner, Welch, Woolfolk, Vanbuskirk, Zimmerman, and Mr. President—52.

Noes—Messrs. Bartlett, Bass, Bast, Cayce, Doniphan, Donnell, Drake, Dunn, Frayser, Flood, Givens, Gorin, Hough, Howell, Hudgins, Knott, Marmaduke, Matson, Moss, Noell, Pipkin, Rankin, Ray, Sawyer, Sayre, Waller, Woodson, and Wright—28.

The second section, to fill vacancies, was then adopted by the following vote:

Ayes—Messrs. Allen, Birch, Bogy, Breckinridge, Broadhead, Bridge, Bush, Cayce, Collier, Douglass, Eitzen, Foster, Gamble, Gantt, Gravelly, Hall of Buchanan, Hall of Randolph, Henderson, Hendrick, Hitchcock, Holmes, Holt, How, Irwin, Isbell, Jackson, Jamison, Johnson, Leeper, Linton, Long, Marvin, Maupin, McClurg, McCormack, McDowell, McFerran, Meyer, Morrow, Noell, Orr, Phillips, Pomeroy, Rankin, Rowland, Scott, Shackelford of St. Louis, Smith of Linn, Smith of St. Louis, Stewart, Tindall, Turner, Woolfolk, Vanbuskirk, Zimmerman—54.

Noes—Bartlett, Bass, Bast, Doniphan, Donnell, Drake, Dunn, Frayser, Flood, Givens, Gorin, Hough, Howell, Hudgins, Knott, Marmaduke, Matson, Moss, Pipkin, Ray, Sawyer, Sayre, Waller, Welch, Woodson, Wright, and Mr. President—27.

Mr. Birch moved to strike out the word "November" and insert the word "September" in the second section, giving as a reason that the people of the State could vote to fill the vacancies as well two weeks hence as two months hence.

Mr. Noell moved to adjourn. Lost.

The vote on the amendment was as follows:

Ayes—Messrs. Bass, Bast, Birch, Doniphan, Drake, Dunn, Frayser, Flood, Gamble, Givens, Gorin, Howell, Hudgins, Irwin, Marmaduke, Matson, Noell, Sawyer, Sayre, Smith of St. Louis, Woodson, Wright, and Mr. President—23.

Noes—Messrs. Allen, Bartlett, Bogy, Breckinridge, Broadhead, Bridge, Bush, Cayce, Collier, Donnell, Douglass, Eitzen, Foster, Gantt, Gravelly, Hall of Buchanan, Hall of Randolph, Henderson, Hendrick, Hitchcock, Holmes, Hough, How, Isbell, Jackson, Jamison, Johnson, Knott, Leeper, Linton, Long, Marvin, Maupin, McClurg, McCormack, McDowell, McFerran, Meyer, Morrow, Moss, Orr, Phillips, Pipkin, Pomeroy, Rankin, Ray, Rowland, Scott, Shackelford of St. Louis, Smith of Linn, Stewart, Tindall, Turner, Waller, Welch, Woolfolk, Vanbuskirk, Zimmerman—58.

The question being on the adoption of the second section of the Ordinance, Mr. Bush said:

Mr. President: I rather preferred a later election, as was first proposed in the report of the Committee of seven; but I do not desire to offer an amendment, and so I vote aye.

The third, fourth and fifth sections were then adopted with but slight amendment.

The ordinance to repeal certain acts of the Legislature was taken up and adopted.

Mr. BIRCH moved to strike out the word "known," in the second line. Lost.

Mr. WELCH moved to strike out the preamble which declares that the General Assembly passed certain acts in secret session contrary to the *known* wishes of their constituents, &c. He said: I move to strike out the preamble in that report. It contains an assertion, sir, which I know is not true, and which the committee know is not true, from the simple fact that the preamble applies to every act which it is proposed to repeal. All these are pronounced to be unconstitutional. This cannot be the case. The act to suspend the distribution of the School Fund is not unconstitutional.

Mr. BROADHEAD. I think the gentleman from Johnson is assuming a good deal when he says that the committee knew that the preamble was not true. I suppose the committee knew quite as much about it as the gentleman from Johnson.

Mr. HENDERSON. I suggest that there is no necessity for striking out any part of the preamble. I understood the gentleman from Johnson in his remarks to declare that one of these bills was unconstitutional. If that be the case, sir, I cannot see how the gentleman from Johnson has obtained the idea that this preamble is untrue. The preamble does not necessarily declare that every act hereinafter enumerated is unconstitutional, but it is intended to declare this, that some of these acts are unconstitutional, and that the remainder of these acts were passed with a view of carrying out that unconstitutional act. By one of these acts it was designed to take the State out of the Union, and the diversion of the School Fund was to facilitate that object, and therefore was unconstitutional, although separate and apart from that purpose it was not unconstitutional.

Mr. STEWART. I believe that is better expressed than I could have done it myself. [Laughter.]

The ordinance was then adopted. The motion to strike out the preamble was lost—ayes 22, noes 49.

The ordinance to submit the action of the Convention to the people was then adopted unanimously.

The Convention then adjourned to Wednesday.

NINTH DAY.

WEDNESDAY MORNING, JULY 31st, 1861.

The Convention met at the usual hour.

After the adoption of several resolutions, instructing the Auditing Committee to pay certain officers and employees, the Convention, on motion of Mr. Hall of Randolph, proceeded to the election of Governor and other State officers.

Mr. Hall nominated the Hon. Hamilton R. Gamble for the office of Governor.

No other nomination being made, a ballot was had with the following result:

FOR GAMBLE—Messrs. Allen, Birch, Bogy, Breckinridge, Broadhead, Bridge, Bush, Cayce, Collier, Doniphan, Donnell, Douglass, Drake, Dunn, Eitzen, Flood, Foster, Gantt, Givens, Gorin, Gravelly, Hall of Buchanan, Hall of Randolph, Henderson, Hendrick, Hitchcock, Holmes, How, Howell, Irwin, Isbell, Jackson, Jamison, Johnson, Kidd, Leeper, Linton, Marmaduke, Marvin, Morrow, Maupin, McClurg, McCormack, McDowell, McFerran, Meyer, Morrow, Moss, Noell, Orr, Phillips, Pomeroy, Rankin, Ray, Rowland, Sawyer, Sayre, Scott, Shackelford of St. Louis, Smith of Linn, Smith of St. Louis, Stewart, Tindall, Turner, Welch, Vanbuskirk, Zimmerman, and Mr. President —68.

ABSENT—Messrs. Bartlett, Brown, Calhoun, Chenault, Comingo, Crawford, Gamble, Harbin, Hatcher, Hill, Holt, Hough, Knott, Long, Norton, Redd, Ritchey, Ross, Shackelford of Howard, Sheeley, and Watkins—21.

EXCUSED—Messrs. Bass, Bast, Frazier, Hudgins, Pipkins, Waller, Woodson, Wright—8.

Mr. Gamble was thereupon declared duly elected tempory Governor.

Mr. Woodson explained—It would afford him great pleasure to vote for Mr. Gamble for any office in the gift of the people, but inasmuch as he denied the right of the Convention to create this vacancy he must beg to be excused.

Mr. Wright said: There is no man in the limits of the State upon whom I would more readily confer the important trust which must devolve upon a Chief Executive. By all the habitudes of his mind, by the sobriety of his intellect, by the staid solidity of his judgment, by the unstained purity of his moral character, I know no man in the limits of the State who challenges more my unqualified approbation than Hamilton R. Gamble; but I do not think we have power to create the office, and I therefore ask you to excuse me.

Mr. Hudgins made some remarks of a similar import.

Nominations for Lieutenant Governor being in order, Mr. Rowland nominated the Hon. Willard P. Hall of Buchanan. No other nomination was made, and Mr. Hall was elected by the following vote:

Yeas—Messrs. Allen, Birch, Bogy, Breckinridge, Broadhead, Bridge, Brown, Bush, Cayce, Collier, Doniphan, Donnell, Douglass, Dunn, Eitzen, Flood, Foster, Gantt, Givens, Gorin, Gravelly, Hall of Randolph, Henderson, Hendrick, Hitchcock, Holmes, How, Irwin, Isbell, Jackson, Jamison, Johnson, Kidd, Leeper, Linton, Marvin, Maupin, McClurg, McCormack, McDowell, McFerran, Meyer, Morrow, Moss, Noell, Orr, Phillips, Pomeroy, Rankin, Ray, Rowland, Scott, Shackelford of St. Louis, Smith of Linn, Smith of St. Louis, Stewart, Tindall, Turner, Welch, Vanbuskirk, Zimmerman, and Mr. President—63.

Excused — Messrs. Bass, Bast, Frazier, Hudgins, Marmaduke, Matson, Pipkin, Sawyer, Sayre, Waller, Woodson, Wright.

Mr. Hall was declared duly elected temporary Lieutenant Governor.

After the vote had been taken,

Mr. Howell said: Mr. President, I have constantly and honestly opposed the course in augurated by this Convention, fearing that it would not successfully meet the emergency now existing in the State; but as a large and overwhelming majority of the Convention has differed with me, and I desire to interpose no factious opposition whatever, but to give them a fair opportunity to accomplish all they possibly can, I will vote for the office of Lieutenant Governor. I therefore ask permission that my name be recorded for Mr. Hall.

Mr. Howell's name was so recorded.

Nominations for Secretary of State being in order, Mr. Turner nominated the Hon. Mordecai Oliver of Springfield.

Mr. Oliver was elected by about the same vote cast for Governor and Lieutenant Governor.

Mr. Breckinridge offered the following resolution:

Resolved, That when this Convention adjourns its session in Jefferson City, it will adjourn to meet in this hall on the third Monday in December, subject, however, to the call of the Governor, who shall have power to call it together prior to the time specified, at such place as in his judgment the public emergency may require.

Mr. Sawyer offered as an amendment, "that when the Convention adjourn, it adjourn *sine die*."

The amendment was disagreed to by a vote of 43 to 29, and Mr. Breckinridge's resolution thereupon adopted by the same vote.

Mr. Breckinridge offered the following:

Resolved, That the Secretary of State be required to cause the ordinance passed by this Convention to be published for eight weeks successively in the *Republican*, *Democrat*, and *Anzeiger*, of St. Louis; also in the Springfield *Mirror*, the Louisiana *Journal*, and the St. Joseph *Journal*; and that he be required to forforward certified copies to the Clerks of the County Courts.

Ten or twelve other papers were suggested by various members, whereupon the resolution was referred to a committee consisting of Messrs. Dunn, Broadhead and Orr.

On motion of Mr. Birch, the Chair appointed a committee consisting of Messrs. Birch, Hall of Randolph, and Doniphan, to inform Mr. Gamble of his election, and to arrange with him for three o'clock this afternoon as the hour of inauguration.

On motion of Mr. Welch, Messrs. Holmes, Gantt and Long were appointed a committee to contract with George Knapp & Co., for the printing of 5,000 copies of the proceedings and the debates of the extra session at the rate heretofore charged.

An amendment giving the printing to Messrs. Ramsey & Co. was offered by Mr. Turner, on the ground that the *Republican* was a semi-disunion paper, and deserved no patronage, but afterwards was withdrawn.

Mr. NOELL had his name recorded in favor of the last proposition of the Committee of eight, voted upon yesterday.

On motion of Mr. HALL, the Convention then adjourned to meet at half-past two o'clock, in order to attend the inauguration ceremonies.

AFTERNOON SESSION.

Messrs. WOODSON and LONG asked that their votes be recorded for the several State officers elected in the morning.

Mr. TURNER offered a resolution of thanks to the officers of the Convention for the able manner in which they have discharged their duties. Adopted.

Mr. GAMBLE, from the Committee of eight, reported the following Address to the People of Missouri:

[The reader is referred to page 51 of the Proceedings for this address, where it was inserted by error, as presented by Mr. Broadhead.]

The report of the Committee was agreed to.

Mr. BIRCH offered a resolution that 50,000 copies of the address just delivered, together with the ordinance passed by the Convention, be printed by George Knapp & Co., and distributed in equal numbers to members of this Convention.

Mr. GANTT moved to amend by striking out Geo. Knapp & Co., and wording it so as to leave the contract at the discretion of the Committee heretofore appointed. Amendment agreed to and resolution passed as amended.

Mr. HITCHCOCK offered a resolution to appoint a special committee of three, whose duty it shall be to inquire into, and report in December, concerning the number of State scrip issued by Gov. Jackson since the first of January.

Mr. MCFERRAN considered the resolution unnecessary, for the reason that the scrip can never be paid, except through the legislative department of the government. It would therefore be merely a matter of information to ascertain the number of scrip issued, and not one of practical benefit.

Mr. PIPKIN moved to lay the resolution on the table until the third Monday in December. He said something might transpire between now and then, which would make it necessary to re-consider the resolution. Motion agreed to.

The hour for performing the inauguration ceremonies having arrived, the committee entered with the Hon. H. R. Gamble, and conducted him to a seat at the right of the Chair. Mr. Gamble was then introduced to the Convention by the President, and acknowledged his election as follows:

Mr. President and gentlemen of the Convention:

I feel greatly oppressed by the circumstances under which I now stand before you. After a life spent in labor I had hoped that I would be permitted to pass its evening in retirement. I have never coveted public office, never desired public station. I have been content to discharge my duties as a private citizen, and I hoped such would be my lot during the remainder of my life. Circumstances seemed to make it a duty for me when this Convention was first elected, to agree to serve as one of its members, because the condition of the State and country at large seemed to demand that every citizen of the State should throw aside his own preferences, choice, and even his own scheme of life, if necessary, in order to serve the country. In accordance with what I regarded as the obligation every citizen owes to the community of which he is a member, I allowed myself to be chosen as a member of this body. I came here and endeavored, so far as I could, to serve the best interests of the State, and you now have chosen to put upon me a still more onerous and still more distasteful duty—a duty from which I shrink. Nothing but the manner in which it has been pressed upon me, ever would have induced me to yield my personal objections to it. The members of this body, in the present distracted state of the country, have come to me since it was clearly manifested that the office of Provisional Governor would be made, and have urged that I should allow myself to fill that position. Nor was it the action of any political party—men of all parties have united in it. Those who have belonged to the parties that have all departed in the midst of the present difficulties and trials of the country, have united in making this application to me. They have represented that my long residence in the State and the familiar acquaintance of the people with me, would insure a higher degree of confidence, and better secure the interests, the peace and order in the community, than would be consequent on the selection of any other person. I resisted. God knows, there is nothing now that I would not give, within the limits of anything reasonable, in order to escape being appointed. But when it was said to me, by those representing the people of the State, that I

could contribute, by assuming this public trust, to secure the peace of Missouri, in which I have lived for more than forty years; that I might secure the peace of those who are the children of fathers with whom I was intimate, I thought it my duty to serve.

It is, therefore, an entire yielding up. It is the yielding of all my own schemes, of all my own individual wishes and purposes, when I undertake to assume this office. I could give you, gentlemen of the Convention, no better idea of my devotion, to what I believe to be the interest of the State, than I do now, if you could only understand the reluctance with which I accept the election with which you were pleased to honor me. But yet, gentlemen, with all that has been said of the good result to be accomplished by me, it is utterly impossible that any one man can pacify the troubled waters of the State; that any one man can still the commotion now running throughout our borders. No man can do it. You, as you go forth to mingle with your fellow-citizens throughout the land, look back upon this election as an experiment that is about to be tried to endeavor to pacify this community and restore peace and harmomony to the State. It is an experiment by those whose interests are with your interests, and who are bound to do all in their power to effect this pacification of the State. It may be we have not adopted the best plan or the best mode of securing the object which we desire, but we have done what seemed to us in our maturest judgment best calculated to accomplish it. And now, gentlemen, when you go forth to mingle with your fellow-citizens, it must depend upon you what shall be the result of this experiment. If you desire the peace of the State—if you earnestly desire it, then give this experiment a fair trial—give it a full opportunity of developing all its powers of restoring peace. I ask of you—I have a right to ask of every member of this Convention—that he and I should so act together as will redound to the common good of our State. I feel I have a right to ask that when you have by your voice placed me in such a position, that you shall unite with me your efforts and voice, instead of endeavoring to prevent the result we all desire. Unite all your efforts so that the good which is desired may be accomplished; and with the blessings of that Providence which rules over all affairs, public and private, we may accomplish this end for which we have labored and which shall cause all the inhabitants of the State to rejoice.

Gentlemen of the Convention, what is it that we are now threatened with? We apprehend that we may soon be in that condition of anarchy in which a man when he goes to bed with his family at night, does not know whether he shall ever rise again, or whether his house shall remain intact until morning. That is the kind of danger; not merely a war between different divisions of the State, but a war between neighbors, so that when a man meets those with whom he has associated from childhood, he begins to feel that they are his enemies. We must avoid that. It is terrible. The scenes of the French revolution may be enacted in every quarter of our State if we do not succeed in avoiding that kind of war. We can do it if we are in earnest, and endeavor with all our power. So far as I am concerned, I assure you that it shall be the very highest object—the sole aim of every official act of mine—to make sure that the people of the State of Missouri can worship their God together, each feeling that the man who sits in the same pew with him, because he differs with him on political questions, is not his enemy, that they may attend the same communion and go to the same Heaven. I wish for every citizen of the State of Missouri, that when he meets his fellow-man confidence in him may be restored, and confidence in the whole society restored, and that there shall be conversations upon other subjects than those of blood and slaughter; that there shall be something better than this endeavor to encourage hostility between persons who entertain different political opinions, and something more and better than a desire to produce injury to those who may differ from them.

Gentlemen, if you will unite with me, and carry home this purpose to carry it out faithfully, much can be accomplished, much good can be done; and I am persuaded that each one of you will feel that it is his duty, his individual duty, for in this case it is the duty of every American citizen to do all he can for the welfare of the State. I have made no elaborate preparations for an address to you on this occasion, but I have come now to express to you my earnest desire that we shall be found co-operating for that same common good in which each one of us is equally interested; that, although differing as to modes and schemes, we shall be found united in the great work of pacification.

Mr. HALL, on taking the official oath, remarked as follows:

Gentlemen of the Convention, I appreciate highly the honor conferred upon me, by my election to the office of Lieutenant Governor of the State. When I reflect upon the embarrassments and difficulties which surround that position, I cannot but regret that your choice has not fallen upon another individual. I concur with the gentleman who has been elected Governor, and who has just addressed you, in deprecating the state of things which now exist in the State of Missouri. We are in the midst of a civil war, and I can only say that I will unite my energies with him to do all that we can to mitigate its horrors and shorten its duration.

Gentlemen, it is scarcely necessary for me to say that my opinion as to the causes of our domestic difficulties has been sufficiently exemplified by my acts and words since I have been a member of this body. It can scarcely be necessary for me to say that, in my opinion, our difficulties have been produced almost solely, if not entirely, by an effort upon the part of certain of our officers and citizens to dissolve our connection with the Federal Government. I believe, gentlemen, that to Missouri Union is peace, and Disunion is war. I believe that to-day Missouri could be as peaceful as Illinois, if her citizens would have recognized their obligations to the Constitution and laws of their country, and I am free to say that I know of no reason why they should not so act. Whatever might be said by citizens of other States, certainly Missourians have no right to complain of the general course of the Government of the United States. I believe it to be a fact that there is no law of a general character upon your statutes that has been enacted since Missouri came into the Union, but had received the votes and support of the representatives of the people of this State. Whatever we have asked from the Government of the United States has been given to us most cheerfully. We asked a liberal land policy, and we got it; we asked grants for our railroads, and we got them; we asked for a fugitive slave law, and it was given to us; we asked that our peculiar views in reference to the finances of the country should be regarded, and even that was granted. In short, I feel I may safely say, that if the people of this State had the whole control of the Federal Government, if there had been but one State in the Union, the very policy which has been adopted by the General Government would have been adopted as best calculated to advance the interests of the State.

It is true, gentlemen, that, owing to divisions among us, private and sometimes public rights have been violated; but I believe I cannot be mistaken as to the real cause of the troubles which are now upon us. I believe there is no need, and there never has been any need, of a civil war in this State. I believe we should have had none, if the views of this Convention, as expressed in March last, had been carried out; and I believe if we will return to these views, civil war will cease within our borders. It shall, therefore, gentlemen, be my duty, my pride as well as my pleasure, to do all I can for both the success and prevalence of those views in this State while I have the honor to hold the position which you have conferred upon me. Notwithstanding the denunciations we sometimes hear against the Government of the United States and the assaults made upon it, I am free to admit that, when I reflect upon the history of this State; when I remember its humble origin; when I look upon the proud and exalted position that it occupied but a few months ago, my affections do cluster around the Government of my country. As a Missourian, I desire no change in the political relations that exist between this State and the Government of the United States, and least of all do I desire such a change as will throw her into the arms of those who have proved unfaithful to the high trust imposed upon them by a generous and confiding people. Mr. President, I am ready to take the oath.

Mr. OLIVER, Secretary of State elect, followed in a few remarks of similar import as those of Messrs. Gamble and Hall.

A fervent prayer by the Chaplain concluded the ceremonies.

Mr. DUNN, from a special committee, reported a resolution that the ordinances adopted by the Convention, at its present session, be published in all the newspapers of the State, three several times. It was adopted.

Mr. WRIGHT desired to offer a lot of resolutions.

Mr. HALL, of Randolph, moved that the Convention now adjourn until the third Monday in December. Agreed to, and the Convention adjourned.